



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.21519 of 2021

S.B.Syed Masooth Mohideen

...Petitioner

Vs.

The Sub Registrar,
Melapalayam,
Tirunelveli District.

...Respondent

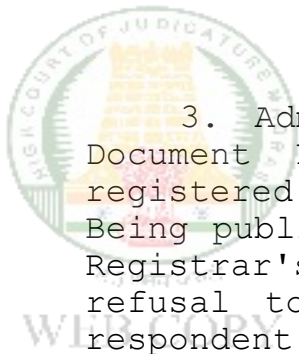
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned refusal check slip in Refusal Number:RFL/Melapalayam/62/2021 dated 22.11.2021 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the document submitted by the petitioner without insisting the original parent document in respect of property in T.S.204/1, Old T.S.No.369/3B measuring 0.03.51 Hectare and T.S.203/2, Old T.S.No.369/3A measuring 0.01.96 Hectare, total measuring 6.75 cents out of 13.51 cents (0.05.47 Hectare) situated in Kulavanigarpuram Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner	:	Mr.R.J.Karthick
For Respondent	:	Mr.J.John Rajadurai Government Advocate.

ORDER

This Writ Petition has been filed challenging the refusal check slip dated 22.11.2021 issued by the respondent refusing registration of the sale deed executed in favour of the petitioner by his vendor one T.S.Kaja Mohideen, on the ground that the petitioner has not produced the original parent documents. The parent documents are registered sale deeds dated 23.03.1961 registered as Document Nos.978 of 1961 and 979 of 1961. The petitioner has produced the certified copies of the said parent documents at the time of registration to the respondent. But under the impugned refusal check slip, the respondent has refused registration on the ground that the petitioner has not produced the original parent documents.

2. Heard Mr.R.J.Karthick, learned counsel for the petitioner and Mr.J.John Rajadurai, learned Government Advocate, who accepts notice on behalf of the respondent.



3. Admittedly, the sale deed dated 23.03.1961 registered as Document No.978 of 1961 and the sale deed dated 23.03.1961 registered as Document No.979 of 1961 are public documents. Being public documents, that too registered with the very same Sub-Registrar's office, this Court is of the considered view that refusal to take cognizance of the said public documents by the respondent is erroneous. The respondent has mechanically refused to register the sale deed presented by the petitioner for registration without applying his mind to the fact that the petitioner has produced the certified copies of the sale deeds dated 23.03.1961, which are parent title deeds and are public documents.

4. The issue involved in this Writ Petition has been considered by another learned Single Judge of this Court in the case of ***Sivanadiyan Vs. The Sub Registrar, Pudukottai***, reported in **2021 (2) CTC 526**. In similar circumstances, this Court held that production of original title deeds is not mandatory and the registering authority is not empowered to insist for production of original documents (parent documents) in the absence of a specific provision under the Registration Act. The learned Single Judge has held that the circular issued by the Inspector General of Registration, Chennai, cannot have legal sanctity unless the power of issuance of such a circular is authorised under the provisions of the Act.

5. In the case on hand also, the Registration Act does not empower the registering authority to refuse registration just because the petitioner has not produced the original title deeds (parent documents), though he has produced the certified copies of the same. This Court is in agreement with the view taken by the learned Single Judge in the aforementioned decision.

6. Therefore, this Court is of the considered view that by total non-application of mind, the impugned refusal check slip has been issued by the respondent and accordingly, the impugned refusal check slip dated 22.11.2021 issued by the respondent is quashed. The respondent is directed to admit the sale deed dated 22.11.2021 presented by the petitioner for registration and register the said document, if it is otherwise in order, within a period of two (2) weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ Petition stands allowed. There shall be no order as to costs.

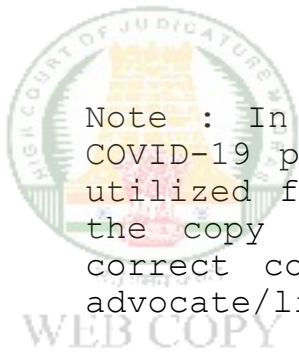
Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Registrar,
Melapalayam,
Tirunelveli District.

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-12286[F] dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-11852[F] dated 14/03/2022)

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MGJ(24.03.2022) 3P 4C