



W.P.No.6677 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6677 of 2023

B.Santhi

... Petitioner

Vs

The Sub Registrar – Joint – I,
No.1/3, Vigesh Complex,
Near Sivan Theatre, Postal Colony,
60 Feet Road, Tirupur – 641 602.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order dated 31.01.2023 in Refusal Number : RFL/ No.1 Joint Sub Registrar Tirupur/12/2023, on the file of the respondent herein and quash the same and consequently directing the respondent herein to register the Release Deed dated 30.01.2023 executed in favour of the petitioner and releasing it to the petitioner.

For Petitioner : Mr.K.K.N.Ganeshan

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records relating to the order dated 31.01.2023 in Refusal Number : RFL/ No.1 Joint Sub Registrar Tirupur/12/2023, on the file of the



W.P.No.6677 of 2023

respondent herein and quash the same and consequently directing the respondent herein to register the Release Deed dated 30.01.2023 executed in favour of the petitioner and releasing it to the petitioner.

2. The petitioner presented a document for registration with the respondent, however the same has been refused for registration and a refusal check slip in this regard dated 31.01.2023 has been issued to the respondent, challenging the same, the present writ petition has been filed.

3. Heard Mr.K.K.N.Ganeshan, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader for the respondent.

4. In fact, the reason cited by the respondent in the impugned check slip is that, the petitioner has not produced the original parent document which, according to the learned counsel appearing for the petitioner, is held up by the sister of the petitioner, therefore she was able to produce only the certified copy of the parent document, however the learned counsel for the petitioner would submit that, in view of the Rule 55-A of the Registration



W.P.No.6677 of 2023

Rules, probably this decision might have been taken by the respondent on 31.01.2023, however subsequently orders have been passed by this Court and proviso to Rule 55-A(i) of the said Rule since has been set aside and several orders have been passed without insisting upon the original document, the document can be registered if the certified copy is produced and the learned Special Government Pleader would submit that the needful would be undertaken by the respondent in view of the law having been declared.

5. Considering the said submission made by the learned Special Government Pleader for the respondent, this Court is inclined to pass the following orders in this writ petition:

That the impugned order is set aside. The matter is remitted for reconsideration. While reconsidering the same, taking note of the legal position already been declared in this regard, where, when the concerned Rule 55-A of the Registration Rules since have been struck down, without insisting upon the parent document by receipt of the certified copy of the parent document produced by the petitioner it can



W.P.No.6677 of 2023

WEB COPY

very well be registered if it is otherwise in order. The needful should be undertaken by the respondent within a period of four weeks from the date of receipt of a copy of this order.

6. With this direction, this Writ Petition is disposed of. No costs.

03.03.2023

Index : Yes / No

Speaking Order : Yes / No

Sgl

To
The Sub Registrar – Joint – I,
No.1/3, Vigesh Complex,
Near Sivan Theatre, Postal Colony,
60 Feet Road, Tirupur – 641 602.



WEB COPY



W.P.No.6677 of 2023

R.SURESH KUMAR, J.

Sgl

W.P.No.6677 of 2023

03.03.2023