



WEB COPY



W.P.No.18033 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.18033 of 2023

Sukanya

...Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Coimbatore,
State Bank Road,
District Police Office,
Gopalapuram, Coimbatore.

3.The Joint-I Sub Registrar,
No.102, State Bank Road,
District Police Office, Gopalapuram,
Coimbatore.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the refusal check slip bearing No.RFL/Coimbatore Joint 1/32/2023 dated 12.04.2023 passed by the 3rd respondent and quash the same as illegal and wholly without jurisdiction and consequently direct the third respondent to register the settlement deed dated 12.04.2023.



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For Petitioner : Mr.Sharath Chandran
For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

The refusal check slip issued by the Sub Registrar to register the settlement deed presented by the petitioner is under challenge in the present writ petition.

2. The learned counsel for the petitioner made a submission that the petitioner has presented a settlement deed for registration which was returned by the Sub Registrar on the ground that the petitioner has not produced the original document pertaining to her title.

3. It is contended that since the property was under mortgage, the original documents are not available with the petitioner. In such circumstances, the petitioner is bound to produce atleast the certified copy of the documents enabling the registering authority to proceed with the registration.

4. The learned counsel for the petitioner states that the petitioner will



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produce the certified copy of the original document, since the subject property is under mortgage. Mortgage is not a bar for registering a document. Therefore, the registering authority shall proceed with the registration of the settlement deed presented by the petitioner, in the event of producing the certified copy of the original document sought for by the registering authority. Accordingly, the petitioner is at liberty to produce the certified copy of the document and in the event of such production, the 3rd Respondent is directed to produce with the registration, if the document is otherwise presented in accordance with the procedures contemplated under the Registration Act.

5. With this liberty, the Writ Petition stands allowed. However, there shall be no order as to costs.

20.06.2023

Index : Yes/ No

Speaking order : Yes /No

Sgl

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

S.M.SUBRAMANIAM, J.



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