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W.P.No.19098 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.19098 of 2023

Sellammal

... Petitioner

Vs

The Sub Registrar,
Gangavalli Sub Registrar Office,
Salem District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in refusal Check Slip dated 12.04.2023 in RFL/Gangavalli/8/2023 quash the same and consequently direct the respondent to register the Settlement Deed dated 12.04.2023 by verifying the Certified Copy of the parent document and Encumbrance Certificate without insisting for Original Parent Document.

For Petitioner : Mr.M.R.Vivekananthan

For Respondent : Mr.N.Naveenkumar
Government Advocate

ORDER

The refusal Check Slip issued by the Sub Registrar in proceeding dated 12.04.2023 is under challenge in the present writ petition.



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2. The petitioner states that she is the absolute owner of the property morefully described in the present writ proceedings. The petitioner presented a Settlement Deed before the respondent for registration. The respondent returned the document along with the impugned refusal Check Slip by stating that the petitioner has not produced the original title deeds for verification.

3. Under the provisions of the Registration Act, the Sub Registrar is empowered to verify the original deeds for the purpose of ascertaining the correctness of the document presented and to avoid registration of fraudulent documents which is prohibited under the provisions of the Act.

4. The learned counsel for the petitioner states that the original documents are not available with the petitioner and they are ready to submit the certified copy of the original documents/title deeds. In the event of non-availability of the original documents/title deeds, the person presenting the document is entitled to produce the certified copy of the documents and in the event of such production, the registering authority shall consider the same and proceed with the process of registration by following the



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procedures as contemplated under the Registration Act.

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5. Since the petitioner states that she is in possession of the certified copy of the document, the petitioner is at liberty to produce the same. In the event of production of certified copy of the same, the registering authority shall verify the genuinity of the certified copy of the document and thereafter proceed with the process of registration by following the procedures, if the document presented is otherwise in accordance with the provisions of the Act.

6. With this observation, the impugned refusal check slip is quashed and the Writ Petition stands allowed. However, there shall be no order as to costs.

28.06.2023

Index : Yes/ No

Speaking order : Yes /No
Sgl

To
The Sub Registrar,
Gangavalli Sub Registrar Office,
Salem District.



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S.M.SUBRAMANIAM, J.

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