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W.P.No.21361 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21361 of 2023

Mrs.Sathya

... Petitioner

Vs.

The Sub-Registrar,
Rasipuram Sub-Registrar Office,
Namakkal District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records in Refusal Check Slip Number : RFL/Rasipuram/164/2023 dated 10.07.2023 on the file of the respondent and quash the same and consequently directing the respondent to register the Settlement Deed presented by the petitioner in favour of her daughter Shruthi dated 10.07.2023 for registration without insisting for the production of the original parent document.

For Petitioner : Mr.P.Lakshmikandhan

For Respondent : Mr.D.Ravichander,
Special Government Pleader



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ORDER

The Refusal Check Slip issued by the respondent in the proceedings dated 10.07.2023 is sought to be quashed in the present writ petition.

2. The petitioner states that he is the absolute owner and he is in possession and enjoyment of the subject property, more fully described in the present writ petition.

3. The petitioner executed a Sale Deed in favour of his Daughter / Mrs.Shruthi and the said document was presented for registration before the respondent. The Sale Deed presented by the writ petitioner was returned on the ground that the petitioner has not produced the original parent document.

4. The learned counsel for the petitioner states petitioner is not in possession of the original parent document instead he is ready and willing to furnish the certified copy of the parent document. In such circumstances, the registering authority shall verify the original parent document or the certified copy of the parent document. In either of the case, the registering authority need not refuse registration, since certain documents may not be available in original with the persons presenting the documents.



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5. In the present case, the petitioner is ready and willing to furnish the certified copy of the parent document. That being the submission made, the impugned Refusal Check Slip dated 10.07.2023 issued by the respondent is quashed and the petitioner is at liberty to submit the certified copy of the parent document and on such production, the respondent shall proceed with the registration by following the procedures, if the documents presented by the petitioner is otherwise in accordance with the provisions of the Act. The said exercise is directed to be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands allowed. No costs.

20.07.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

The Sub-Registrar,
Rasipuram Sub-Registrar Office,
Namakkal District.



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S.M.SUBRAMANIAM, J.

skr

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