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W.P.No.21538 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21538 of 2023

K.Renuka

... Petitioner

Vs.

The Sub Registrar,
Rasipuram SRO, Rasipuram,
Namakkal District.

... Respondent

Prayer:- Writ 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 impugned Refusal Check Slip in RFL / Rasipuram / 157 / 2023 dated 05.07.2023 passed by the respondent, quash the same and consequently direct the respondent to register the Settlement Deed dated 05.07.2023 executed by petitioner father Kolanthavel in petitioner name, in respect of the house property measuring 1520 sq.ft. comprised in S.F. No. 230 / 1A1A1A1A1, Pattanam village, Rasipuram Taluk, Namakkal District.

For Petitioner : Ms.M.Adhishree

For Respondent : Mr.D.Ravichander
Special Government Pleader



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ORDER

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The impugned Refusal Check Slip dated 05.07.2023 is sought to be quashed in the present writ petition.

2.The petitioner states that the father of the writ petitioner settled his property in favour of the writ petitioner. Accordingly, a Settlement Deed was presented for registration. The Registering Authority returned the document on the ground that the petitioner has failed to submit the title document for verification.

3.The learned counsel for the petitioner states that the petitioner is ready and willing to submit the certified copy of the title document since the original document is not available. In the event of production of the certified copy of the title document, the Registering Authority is empowered to verify the genuinity of the said document and accordingly, register the Settlement Deed by following the procedures as contemplated. In other words, there is no impediment for registering the document in the event of producing the certified copy of the title document by the person presenting the document for registration.



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4.In view of the facts and circumstances, the petitioner is at liberty to submit the certified copy of the title document for verification before the Registering Authority, who in turn shall verify the genuinity and accordingly, proceed with the registration.

5.In view of the facts and circumstances, the impugned Refusal Check Slip in RFL / Rasipuram / 157 / 2023 dated 05.07.2023 is quashed and on production of certified copy of the title document by the petitioner, the respondent shall proceed with the registration by following the procedures as contemplated, if the document presented by the petitioner is otherwise in accordance with the principles of the Act and Rules in force. The said exercise is directed to be completed within a period of four weeks from the date or receipt of a copy of this order.

6.Accordingly, the Writ Petition stands **allowed**. However, there shall be no order as to costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

To

The Sub Registrar,
Rasipuram SRO, Rasipuram,
Namakkal District.

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21.07.2023