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W.P.No.21858 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P No.21858 of 2023

K.Subramani

...Petitioner

Vs.

Sub Registrar,
Villivakkam, Chennai.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the respondent to the Impugned Refusal Check Slip No.1 in TP/1449232215/2023 dated 09.03.2023 and quash the same and consequently direct the respondent to register the document presented by the Petitioner for registration without insisting for the production of the original parent document within the time fixed by court and also to declare Rule 55A as unconstitutional as it is arbitrary and violates rights of citizens to deal with the their property and is ultra vires as it goes beyond the powers conferred on the Inspector General of Registration and is clearly ultra vires and unconstitutional to the Parent Act as well as the substantive provisions of the Transfer of Property Act.

For Petitioner : M/s.Mehek Asrani

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



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ORDER

The impugned Refusal Check Slip issued by the Sub-Registrar, Villivakam, in proceeding dated 09.03.2023 is sought to be quashed in the present writ petition.

2. The petitioner is a retired member of the Indian Army and an absolute owner of the vacant land bearing plot No.275 and 276 comprised in Old survey no.472/2, New survey No.472/1 and 472/2A in TVS Nagar measuring to an extent of 3749 square feet in no.61 Korattur Village, Ambattur Taluk, Thiruvallur District

3. The petitioner presented a Sale Deed for registration. The Sub-Registrar returned the document along with the impugned Refusal Check Slip on the ground that the petitioner has failed to produce the original parent document for verification. No doubt, verification of the original document is mandatory under Rule 55-A of the Registration Rules. However, in the event of production of the certified copy of the title document, there is no impediment for the Registering Authority to verify the genuinity as well as the title and proceed with the registration in accordance with the provisions of the Act.



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4. In the present case, the learned counsel for the petitioner made a submission that the petitioner is ready to produce the certified copy of the title document and that being the submission, the petitioner is at liberty to produce the certified copy of the title document and on such production, the respondent shall verify the title as well as its genuinity and accordingly, proceed with the registration by following the procedures as contemplated.

5. Accordingly, the impugned Refusal Check Slip, passed by the respondent in proceeding dated 09.03.2023 is quashed. On production of the certified copy of the original document by the petitioner, the respondent shall proceed with the registration and complete the same within a period of four (4) weeks from the date of receipt of a copy of this order.

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

(sha)

14.08.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No



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To

Sub Registrar,
Villivakkam, Chennai.



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S.M.SUBRAMANIAM, J.

sha

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