



W.P.No.24628 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.24628 of 2019

and

WMP.No.24286 of 2019

1.Palanisamy

2.Murugana Gounder

...
/vs/

Petitioners

The Sub Registrar,
Registration Department,
Avinashi, Tiruppur District

...

Respondent

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the impugned refusal Check Slip dated 11.07.2019 issued by the respondent herein, quash the same and consequently, direct the respondent herein to register the settlement deed dated 11.07.2019 presented by the petitioners within a stipulated period.

For Petitioners

... Mr.Govi Ganesan K.

For Respondents

... Mr.Yogesh Kannadasan
Special Government Pleader



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ORDER

WEB COPY The writ petition has been filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Refusal Check Slip dated 11.07.2019 issued by the respondent herein, quash the same and consequently, direct the respondent herein to register the settlement deed dated 11.07.2019 presented by the petitioners.

2.The learned counsel appearing for the petitioners submitted that the land is a Natham Land and the petitioners' family were long in possession. Their possession was recognized by the Government and issued joint patta in favour of the writ petitioners. The writ petitioners wanted to execute a settlement deed in favour of their own sister. After executing the settlement deed, when the same was presented before the respondent for registration, instead of registering the document, the respondent issued a impugned Refusal Check Slip and asked to produce the original document. Since the land is Natham land, the petitioners do not have any document. Once the land is Natham Land and the Revenue Authority issued patta in favour of the petitioners and the property stands in the name of the



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petitioners, the respondent has no authority to demand the original document for registration. Though they presented the certified copy, the respondent refused to register the document and passed the impugned Refusal Check Slip, against which, the present writ petition has been filed.

3.The learned Special Government Pleader appearing for the respondent filed his counter and stating that the petitioners had not produced the original parent document. Therefore, the respondent has issued the impugned Refusal Check Slip. As per the Rule contemplated under Rule 55 (A)(1) of the Registration Act, the parties, who presented the document for registration, have to annex the original parent document and the petitioners have not produced any document and the Inspector General of Registration also had given the instructions that unless the original documents are produced, the Registrar should not register the document. Hence, the respondent has followed the Rule 55 (A)(1) of the Registration Act and also the circular issued by the Inspector General of Registration. Since the impugned order passed by the respondent is in order, the petitioners are not entitled to get the relief sought for in the writ petition.



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4.I have considered the matter in the submission made by the learned counsel appearing for the petitioners as well as the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

5. On a perusal of the records, it is seen that admittedly the petitioners have stated that they executed the settlement deed in favour of their own sister and when such settlement deed was presented before the respondent, he passed the impugned Refusal Check Slip and the learned counsel for the petitioners himself also admitted that the petitioners produced only the certified copy of the joint patta stands in the name of the petitioners. Since it is Natham Land, there is no document of conveyance. Therefore, their possessions were recognized by the Government and issued patta and therefore, there is no original document. Further, a perusal of the records reveals that the petitioners presented only the certified copy of the Patta and they have not stated what about the original Patta issued by the writ petitioners. The Rule 55 (A) (i) of the Registration Act is very clear



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that while presenting any conveyance deed for registration, the original parent document of the said property involved in the said document has to be annexed. Admittedly, in this case, the land is Natham land and Patta was granted to the petitioners but they have not produced the original Patta before the respondent and they have also not stated what about the original. The Proviso to Rule 55 A (i) of the Registration Act is very clear that in the absence of the original document or non production of the original document, they have to follow the procedures as contemplated under proviso to the said Rules. Admittedly, in this case, the petitioners have lost the original Patta issued in favour of them but they have not followed the Proviso 3 to the abovesaid Rule 55 (A) (i) of the Registration Act.

6. Under these circumstances, this Court does not find any erroneous or perversity or illegality in the impugned Refusal Check Slip passed by the respondent. Accordingly, the writ petition is dismissed. However the petitioners are at liberty to comply with the Proviso 3 to the Rule 55 (A) (i) of the Registration Act and presented the document for registration before the Registrar, in case, they produced those document after complying the



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abovesaid Proviso, if it is otherwise in order, the respondent is directed to consider the same. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes/No
speaking order: Yes/No
Neutral Citation: Yes/No
sms

27.11.2023

To
The Sub Registrar,
Registration Department,
Avinashi, Tiruppur District

P.VELMURUGAN,J.

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