



WEB COPY

W.P.No.28409 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28409 of 2023

in

W.M.P.No.27958 of 2023

1.Mr.Mohammed Yousuf

2.Mr.Ahamed

... Petitioners

Vs.

The Sub Registrar,
Chennai North Joint I,
Kuralagam, NSC Bose Road,
Parrys, Chennai – 600 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned order of passed by the respondent in Check Slip RFL/Chennai North Joint I /3/2023 dated 19.09.2023, thereby refusing to register the document and quash the same as illegal, incompetent and without jurisdiction and further direct the respondent to register the Sale Deed dated 19.09.2023 presented by petitioner.

For Petitioners

: Mr.T.K.Dharmarajan



WEB COPY

W.P.No.28409 of



For Respondent

: Mr.P.Sanjay Gandhi
Government Advocate

ORDER

The impugned refusal check slip dated 19.09.2023 issued by the respondent is sought to be quashed in the present writ petition.

2. The petitioners state that they are the absolute owners of the subject property described in the present writ petition and they inherited the property through Partition Deed. The petitioners presented Sale Deed for registration on 19.09.2023, which was returned by the Sub-Registrar on the ground that the petitioner has failed to produce the Original Title documents for verification as required under Rule 55-A of the Registration Rules.

3. The learned counsel for the petitioner states that it is a family property and other shareholders are there and therefore, the petitioners were not in a position to submit the original title documents before the Sub-Registrar for verification.



WEB COPY

4. In such circumstances, there is no impediment to verify the certified copy of the title document to be produced by the presentant of the documents.

In other words, the person presenting the documents for registration may submit the certified copy of the title document for verification and in such an event, the Sub Registrar shall assert the genuinity of the certified copy and accordingly, proceed with the registration by following the procedures.

5. In the present case, the learned counsel for the petitioners states that the petitioners are ready and willing to produce the certified copy of the title documents for the purpose of completion of registration.

6. That being the submission made, the petitioners are at liberty to submit the certified copy of the title document before the respondent and on such production, the Sub Registrar is directed to proceed with the registration and complete the process within a period of four (4) weeks from the date of receipt of a copy of this order. Consequently, the impugned Refusal Check Slip RFL/Chennai North Joint I /3/2023 dated 19.09.2023 is quashed.



W.P.No.28409 of

WEB COPY

7. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

27.09.2023
(1/2)

Jeni/nsi
Index : Yes
Neutral Citation : Yes
Speaking order

To

The Sub Registrar,
Chennai North Joint I
Kuralagam, NSC Bose Road,
Parrys, Chennai – 600 001.



WEB COPY



W.P.No.28409 of

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.28409 of 2023

27.09.2023
(1/2)