



WEB COPY

W.P. No.30478 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30478 of 2023

N.Younus Sait

... Petitioner

Vs.

The Sub Registrar
Joint I Sub Registrar,
Uthagamandalam,
The Nilgiris

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Certiorarified Mandamus to call for the records pertaining to the impugned refusal slip in RFL/Uthagamandalam - Joint I/46/2023, dated 11.09.2023, quash the same as illegal and consequently, direct the respondent to register the Settlement Deed in the Document Vide No.TP/158731308/2023 dated 09.09.2023, executed and presented on 11.09.2023 by the petitioner on the file of the respondent for registration without insisting for the original document, in the light of the order of this Court in K.S.Vijayandran Vs. IG of Registration, Chennai and Others reported in 2011 (2) LW 648 within the time that may be stipulated by this Court.

For Petitioner : Mr.A.Thameem Mohideen

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

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This Writ Petition is filed for a Certiorarified Mandamus to call for the records pertaining to the impugned refusal slip in RFL/Uthagamandalam - Joint I/46/2023, dated 11.09.2023, quash the same as illegal and consequently, direct the respondent to register the Settlement Deed in the Document Vide No.TP/158731308/2023 dated 09.09.2023, executed and presented on 11.09.2023 by the petitioner on the file of the respondent for registration, without insisting for the original document, in the light of the order of this Court in K.S.Vijayandran Vs. IG of Registration, Chennai and Others reported in 2011 (2) LW 648 within the time that may be stipulated by this Court.

2. The contention of the petitioner is that the petitioner is the owner of the subject property by virtue of Deed of Family Arrangement and Partition dated 25.08.1987 executed between the petitioner, his brother and his sister. Ever since, the petitioner has been enjoying the property as true and absolute owner of the property peacefully and without any hindrance. The petitioner in pursuance to the desire in settling the property to and in favour of his wife, had executed a settlement deed dated 11.09.2023 and presented the same for registration before the respondent along with certified copy of the Trust Deed,



original Patta and property tax receipt on demand by the respondent for perusal. However, the respondent by demanding original Trust Deed, refused to register the Settlement Deed for the sole reason that "Original document not produced". Whereas, when his sister had executed and registered a Sale Deed, the respondent never sought for any original document. Hence, the petitioner has come up with this writ petition.

3. Heard both sides and perused the materials available on record.

4. Since the original document has not been produced by the petitioner before the registration of the document in question, the original document namely Trust Deed shall be produced by the petitioner before the Sub Registrar. On production of same, the Sub Registrar shall register the document if the document is otherwise in order.

5. With the above directions, the Writ Petition is dismissed at the admission stage itself. There shall be no order as to costs.

20.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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To

The Sub Registrar
Joint I Sub Registrar,
Uthagamandalam,
The Nilgiris

W.P. No.30478 of 2023

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