



W.P.No.29704 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29704 of 2023

N.Younus Sait
S/o.Noor Mohammed Sait

... Petitioner

versus

The Sub Registrar
Joint I Sub Registrar
Uthagamandalam
Nilgiris.

...Respondent

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal slip in RFL/Uthagamandalam - Joint I/44/2023 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/158688913/2023 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.

For Petitioner : Mr.A.Thameem Mohideen

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For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

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ORDER

The writ petition has been filed seeking to quash the impugned refusal slip dated 11.09.2023 bearing reference No.RFL/Uthagamandalam - Joint I/44/2023 and consequently, direct the respondent to register the settlement deed dated 09.09.2023 bearing reference No.TP/158688913/2023 executed and presented on 11.09.2023 before the respondent for registration without insisting for the original document.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for respondent.

3. It is seen that the writ petitioner has executed a settlement deed dated 09.09.2023 and presented the same for registration before the respondent by providing the certified copy of the Trust deed, original copy of patta and property tax receipt but the respondent had returned the settlement deed with the impugned refusal slip refusing to register the settlement deed for the reason that original document was not produced.

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4. The learned Special Government Pleader for respondent submits that since the petitioner has not produced the original parent documents the respondent has returned the settlement deed for want of original parent documents. The learned Special Government Pleader further submits that the petitioner himself has admitted in paragraph No.7 of the affidavit that he has produced only certified copy of the Trust deed. The learned Special Government Pleader for respondent fairly submits that if the petitioner produces the original parent documents, the respondent will consider the same and act accordingly.

5. The learned counsel for writ petitioner submits that now, the writ petitioner is ready to submit the original parent documents for registration.

6. Considering the above stated facts and circumstances, more particularly, the submissions made by the learned Special Government Pleader appearing for the respondent, this Court is of the view that the interest of both parties will be protected if the Writ Petition is disposed of, as



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follows:

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(a) The writ petitioner shall produce the original parent documents before the respondent.

(b) On receipt of such original parents documents, the respondent shall consider the registration of the settlement deed, if there is no other legal impediment in doing such registration, within a period of two weeks from the date of receipt of the original parent documents.

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

08.11.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral citation : Yes/No

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To
The Sub Registrar
Joint I Sub Registrar
Uthagamandalam
Nilgiris.

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P.VELMURUGAN, J.

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