



Order dated 02.11.2023
in W.P.No.31013 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.11.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31013 of 2023

Punithavathy

.. Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai-28.

2. The Deputy Inspector General of
Registration-Coimbatore Zone,
6/1, GRD Road, Opp. Airforce Admin College,
Red Fields,
Puliakulam,
Coimbatore-641 018.

3. The District Registrar,
Collector Office Compound
Gopalapuram, Coimbatore-641 018.

4. The Sub-Registrar-Erode Joint.2,
Erode Joint-2 Sub-Registrar Office,
Erode.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India,

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praying for issuance of a Writ of Certiorarified Mandamus by calling for the records relating to the impugned order dated 07.09.2023 bearing Refusal Number: RFL/1, எண் இணை சார் பதிவாளர் ஈரோடு/82/2023 (RFL/Erode Joint 1 SRO/82/2023) on the file of the fourth respondent and quash the same and consequently direct the fourth respondent to register and release the settlement deed, in accordance with law.

For petitioner : Mr.R.Narayanan

For respondents: Mr.Yogesh Kannadasan, Spl.G.P.

ORDER

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus by calling for the records relating to the impugned order dated 07.09.2023 bearing Refusal Number: RFL/1, எண் இணை சார் பதிவாளர் ஈரோடு/82/2023 (RFL/Erode Joint 1 SRO/82/2023) on the file of the fourth respondent and quash the same and consequently direct the fourth respondent to register and release the settlement deed, in accordance with law.

2. It is the case of the petitioner that she had purchased a land in Erode District, Erode Taluk, Kasipalayam Ward No.13 Village, Gandhiji



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Street No.2 (Amaravathi Nagar) bearing S.F.No.1242/1C1, measuring 3000 Sq.Ft., vide Document No.568 of 1995, Erode Joint 1 SRO, on the file of the fourth respondent. The petitioner's husband has taken possession of the original document bearing Doc.No.568 of 1995, Erode Joint 1 SRO, due to a matrimonial discord. Hence, the petitioner is bereft of the original document and unable to produce the same before the fourth respondent. The above mentioned property is an empty plot and there is no building upon the same. Since the day of purchase, the petitioner had not subjected the property in any form of encumbrance as on date, and is in clear title and with possession. The petitioner is 60 years old and in order to make suitable arrangement for herself and to ensure that her hard-earned property goes to her only daughter, the petitioner is desirous of executing a settlement deed in favour of her daughter--Dr.Shanmugapriya Lakshmanan. Through her counsel, the petitioner prepared settlement deed, dated 07.09.2023 and approached the fourth respondent to register the same, after paying all necessary stamp duty and registration fees, whereas, the fourth respondent failed to register the document citing non-availability of original document and issued the impugned refusal slip. It is also the stand of the petitioner that she is the sole owner of the property in question and there is no

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encumbrance upon the same.

3. The petitioner has filed the refusal of check slip issued by the Registering Authority on the ground that the parent document has not been produced in accordance with the Circular of the Inspector General of Registration, Chennai, in No.25 2 S.2 2010, dated 21.06.2010 and 25600 C1 2018, dated 07.06.2018. The petitioner submitted that she produced only the certified copy of the parent document and the Court in various cases, already held that based on the certified copy of the parent document, the document can be registered. The fact remains that the petitioner presented the document for registration, but she has not produced the original parent document and not given any acceptable reason, except stating that she has produced certified copy of the parent document and not given any explanation before the Registrar as to why she has not produced the original parent document. It is the stand of the petitioner that the original parent document is with her husband and there is strange relationship between herself and her husband and the husband has not produced the document and unnecessarily the original parent document is with-held. If the original document is available, the petitioner has to produce the same. In case the petitioner is not able to produce the document as enunciated under

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the proviso (iii) to Rule 55-A(1) of the Registration Rules, and failed to comply with the same, and further that known person has with-held the original document and if that known person has not produced, and also they are available, then they can make a representation before the District Registrar and the Registrar will send notice to the concerned parties and also conduct enquiry and pass orders. Therefore, none of the provisions of the said Rule or the circular stated by the Registrar, has been followed by the petitioner.

4. Under those circumstances, this Writ Petition is disposed of and the impugned check slip is not the final order and therefore, the petitioner is at liberty to reply for the impugned refusal check slip and rectify the mistake, if any pointed out by the Sub-Registrar and re-present the same document by following the procedures in the manner known to law. There shall be no order as to costs.

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To

1. The Inspector General of Registration,

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