



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 21.12.2023**

**CORAM**

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

**WP(MD)No.24863 of 2023  
and  
WMP(MD)Nos.21059 & 21060 of 2023**

1.Thanammal

2.Nallaperumal

... Petitioners

**Vs.**

1.The Inspector General of Registration,  
100, Santhome High Road,  
Pattinappakkam, Chennai – 600 028.

2.The District Registrar, Kanyakumari.

3.The Sub Registrar,  
Vadasery, Nagercoil,  
Kanyakumari District.

4.P.Kumaravel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for records related to the impugned refusal check slip issued by the Sub Registrar, Vadasery dated 22.08.2023 bearing Refusal Check Slip Number. RFL/Vadasery/42/2023 and quash the same and consequently direct the Sub-Registrar, Vadasery to register the sale deed dated 07.07.2023 executed by the 1st petitioner in favor of the 2nd petitioner in respect of the Schedule mentioned property and thus render justice and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.



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For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.K.Balasubramani,  
Special Government Pleader for R1 to R3

Mr.R.Murali for R4

### **ORDER**

Heard both sides.

2.The first petitioner wants to sell the petition-mentioned property in favour of the second petitioner. The sale deed was presented for registration. The first petitioner traces her title to a Will executed by her mother. He mother in turn traces her title vide settlement deed dated 18.06.1955 executed by her mother. Registration was refused by the third respondent on the ground that the settlement deed should be produced in original. Challenging the said refusal check slip, the present writ petition has been filed.

3.The fourth respondent is none other than the brother of the first petitioner. There is a civil dispute pending between them. In fact, even according to the fourth respondent, the document has been marked in another civil proceedings. As rightly pointed out by the learned counsel for the petitioner, in a catena of judgments insistence on production of parent deed has been dispensed with and it has been held that the registering authority should not insist on production of parent deed in original. In this case, I am



more than satisfied that the first petitioner is alienating the property to which she is entitled to.

4. In this view of the matter, the impugned refusal check slip is quashed. The petitioners are permitted to re-present the document in question before the registering authority. It shall be received, registered and released subject to the fulfilment of other usual formalities. This writ petition is allowed. Connected miscellaneous petitions are closed. No costs.

**21.12.2023**

Index : Yes / No  
Internet : Yes / No  
Skm

To

1. The Inspector General of Registration,  
100, Santhome High Road,  
Pattinappakkam, Chennai – 600 028.
2. The District Registrar, Kanyakumari.
3. The Sub Registrar,  
Vadaseri, Nagercoil,  
Kanyakumari District.



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**G.R.SWAMINATHAN, J.**

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