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W.A.No.1571 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.06.2024**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE R.SAKTHIVEL**

Writ Appeal No.1571 of 2024

Punithavathy

..Appellant

Vs.

1. The Inspector General of Registration,
100, Santhome High Road, Mullima Nagar,
Mandavelipakkam, Raja Annamalaipuram,
Chennai 600 028.
2. The Deputy Inspector General of Registration – Coimbatore Zone,
6/1 GRD Road, Opp. Airforce Admin College,
Redfields, Puliakulam, Coimbatore – 641 018.
3. The District Registrar, Collector office compound,
Gopalapuram, Coimbatore – 641 018.
4. The Sub Registrar – Erode Joint 1,
Erode Joint I Sub Registrar Office, Erode.

.. Respondents

Prayer: Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court dated 02.11.2023 passed in W.P. No.31013 of 2023.



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For Appellant : Mr.R.Narayanan

For Respondents : Mr.B.Vijay,
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The Joint-II Sub Registrar, Erode has refused to register the document viz. a Settlement Deed executed by the petitioner in favour of her daughter on the ground that the original parent document has not been produced. The said order has been upheld by the learned Single Judge.

2. The very same issue was dealt with in detail by this Court in
The Federal Bank Ltd. vs. The Sub Registrar.

3. It is the contention of the learned counsel for the appellant that the original of the document is retained by her husband and she cannot be expected to produce the same as the relationship is strained. In the circumstances, the right of the appellant to deal with the property which is



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protected under Article 300-A of the constitution, cannot be affected by a rule which has been introduced with the view to prevent bogus registrations.

The Registering Authority can verify the ownership from the certified copy of the original which is also issued by the very same department. Hence we find that the Registering Authority should be directed to register the document if the appellant produces the certified copy of the parent document.

4. In view of the above, the Writ Appeal is **allowed**, the order of the learned Single as well as the impugned rejection order are set aside. There will be a direction to the concerned Sub Registrar viz. the fourth respondent to register the document upon production of a certified copy of the Parent Title Deed. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (R.SAKTHIVEL, J.)
05.06.2024

Index: No
Internet: Yes
Speaking order
Neutral Citation: No
jv



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and

R.SAKTHIVEL, J.

(jv)

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