



WP.No.34747 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.34747 of 2022
and W.M.P.No.34165 of 2022

M.Lakshminarayanan

.. Petitioner

Versus

1.The CSR/Liquidator
The Madras State NGOs' Co-operative
House Site Society, X-430
Office of the control of the Deputy Registrar
of Co-operative Societies (Housing)
GMS Building, Fourth Floor
Medavakkam Tank Road
Kilpauk, Chennai – 600 010

2.The Sub Registrar
Kodambakkam, Chennai – 600 024

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent pertaining to the check slip in RFL/Kodambakkam/110/2022 dated 14.12.2022 quash the same and direct the second respondent to register the sale deed in respect of Plot No.50, in Officer's Colony, Mehta Nagar, Chennai – 600 029 without insisting for the production of original document dated 27.03.1961 in Doc.No.1910 of 1961 and on payment of registration charges as per the consideration mentioned in the sale deed, now sought to be registered.

For Petitioner : Mr.M.Rajaraman

For Respondent : Mr.T.Arun Kumar for R1
Mr.L.S.M.Hasan Fizal for R2
Additional Government Pleader



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ORDER

This writ petition is filed challenging the check slip issued by the second respondent in RFL/Kodambakkam/110/2022 dated 14.12.2022, quash the same and direct the second respondent to register the sale deed in respect of Plot No.50, in Officer's Colony, Mehta Nagar, Chennai – 600 029 without insisting for the production of original document dated 27.03.1961 in Doc.No.1910 of 1961 and on payment of registration charges as per the consideration mentioned in the sale deed, now sought to be registered.

2. It is the case of the writ petitioner that pursuant to the direction of this Court in W.P.No.7544 of 2021 by order dated 09.08.2021 to the first respondent to execute the sale deed in favour of the petitioner, when the first respondent presented the sale deed for execution, the second respondent refused to register the same on the ground that the parent document was not submitted. Hence, challenging the refusal check slip, this writ petition.

3. The counter has been filed merely on the ground that the circular in Circular No.22484/C1/2022 dated 02.02.2023 issued by the Inspector General of Registration exempts the production of original title deed in respect of certain categories. The sale deed in question does not fall within the exemption ordered by the Inspector General of Registration. Therefore, the registering



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authorities issued check slip for non production of parent document. Hence, opposed the writ petition.

4. It is not in dispute that the layout was originally formed by the Co-operative Societies (Housing), Madras, a statutory body which has sold the property. When there are several layouts formed insisting the original title deeds for registering the document is totally against the very substantive provisions of law. Even the Circular relied upon by the respondent indicate that in respect of plots/flats executed by promoters, it is enough that the original documents are insisted for the first transaction alone and for the registration of the remaining plots/flats, it need not be insisted if the subsequent documents are being executed by one and the same person. Similarly, proviso to Rule 55A also indicate that in respect of instruments executed by Government Departments, Local Bodies or Government undertakings, production of original documents need not be insisted. When the Co-operative Society is also controlled by the Deputy Registrar, Co-operatives (Housing), certain plots were already sold and insisting the original defies the logic.

5. Such view of the matter, the impugned order is set aside and there shall be a direction to the second respondent to register the document presented



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by the first respondent without insisting for the production of original document in Doc.No.1910 of 1961 dated 27.03.1961. Such exercise shall be completed within a period of one month from the date of receipt of a copy of this Order.

6. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

04.04.2024

dhk

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

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N. SATHISH KUMAR, J.



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