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WP.No.38526 of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38526 of 2024

S.Santhi

...Petitioner

Vs

1.The District Registrar (Salem
West), Room No.313,
Collectorate Building,
O/o the District Collector,
Salem-1.

2.The Sub-Registrar, Omalur
Sub-Registrar Office,
Omalur Taluk, Salem District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records relating to the Impugned refusal check slip of the 2nd respondent in Refusal Check Slip No.RFL/Omalur/95/2024 dated 26.9.2024, quash the same as illegal and arbitrary and consequently direct the 2nd respondent S.R.O., Omalur Taluk, Salem District to accept the settlement deed dated 26.9.2024 presented for registration within a stipulated time as fixed by this Court.

For Petitioner : Mr.N.Vijaya Baskar for



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For Respondents : M/s.Law Vision
Mr.B.Vijay, AGP

ORDER

Challenging the check slip issued by the second respondent dated 26.9.2024 refusing to register the settlement deed dated 26.9.2024 presented by the petitioner in respect of the property in plot No.941, Block C, measuring 1,415 1/2 sq.ft. in S.No.105/2G, Pagalpatti Village, Omalur Taluk, Salem District and to a consequential direction to the second respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel appearing on behalf of the petitioner and the learned Additional Government Pleader accepting notice for the respondents.

3. The case of the petitioner is that she purchased the said property from one Mr.S.Sidheshkumar through his power agent vide sale deed dated 08.3.2006 registered as doc.No.1272 of 2006 on the file of the second respondent for a valid sale consideration. The revenue records were also mutated in her name subsequently and from the date of purchase, she has been in possession and enjoyment of the same. In respect of the said property, the petitioner executed



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the settlement deed dated 26.9.2024 on favour of her younger son - Mr.S.Arunkumar. When the said settlement deed was presented for registration, the second respondent refused to register the same on the ground that without producing the previous original document dated 08.3.2006 or the non traceable certificate, the said settlement deed could not be registered . Hence the writ petition.

4. This Court has, time and again, issued instructions to the Registering Authorities to act within the confines of the powers conferred under the Indian Registration Act. In the considered view of this Court, the insistence of production of the previous original document does not come within the powers conferred on them.

5. Accordingly, the writ petition is allowed, the impugned refusal check slip is set aside and the second respondent is directed to register the settlement deed presented by the petitioner within a period of two weeks from the date of its representation. No costs.

21.12.2024

Index : Yes (or) No
Neutral Citation : Yes (or) No

P.T.ASHA,J



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RS

To

- 1.The District Registrar (Salem West), Room No.313, Collectorate Building, O/o the District Collector, Salem-1.
- 2.The Sub-Registrar, Omalur Sub-Registrar Office, Omalur Taluk, Salem District.

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