



WP.Nos.38374 & 38380
of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition Nos.38374 & 38380 of 2024

M.Thilaka

...Petitioner in
both WPs

Vs

The Sub Registrar
Office of the Sub Registrar
Keezhapazhuvur 621 707
Ariyalur Taluk & District.

...Respondent in
both WPs

PETITIONS under Article 226 of The Constitution of India praying for the issuance of Writs of Certiorarified Mandamus to call for the records relating to the impugned refusal check slips (i) RFL/Keezhapazhuvur/132/2024 and (ii) RFL/Keezhapazhuvur/133/2024 respectively, both dated 30.10.2024 issued by the respondent, quash the same as illegal and consequently direct the respondent to verify the certified copy of the parent document - settlement deed registered in Document No.1050/2021 on the file of the respondent produced by the petitioner and register the sale deed documents dated 21.10.2024 presented by the petitioner and release the same.



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For Petitioner : Mr.R.Venkatesulu
For Respondent : Mr.B.Vijay, AGP

COMMON ORDER

Challenging the two check slips both dated 30.10.2024 issued by the respondent refusing to register the sale deeds presented by the petitioner and to issue a consequential direction to the respondent to register the same, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for respondent in both the writ petitions.

3. The case of the petitioner is that after the demise of her husband - Mr.Murali, her mother in law - Mrs.Sakunthala executed a settlement deed dated 26.4.2021 registered as doc.No.1050 of 2021 on the file of the respondent in favour of the petitioner in respect of the property in S.No.578/9 measuring 1.42 Ares out of 5.68.00 Ares, Keezhapazhuvoor Village, Ariyalur Taluk. Thereafter, the revenue authorities also subdivided the subject property into S.No.578/9C and issued a separate patta in favour of the petitioner in the year 2021. The said settlement deed was misplaced during patta transfer. The



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petitioner sold the subject property to Mr.A.Rajeed and Mr.Habipulla measuring 0.71 Ares each and presented two sale deeds dated 21.10.2024 before the respondent on 30.10.2024 for registration. However, the respondent refused to register the same on the ground that the petitioner should produce the original settlement deed dated 26.4.2021. Hence the writ petitions.

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 petitions are allowed, the impugned refusal check slips are set aside and the respondent is directed to register the sale deeds presented by the petitioner within a period of two weeks from the date of its representation. No costs. The Additional Government Pleader is entitled to separate fees in each of the cases.

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



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P.T.ASHA,J

RS

To
The Sub Registrar
Office of the Sub Registrar
Keezhapazhuvur 621 707
Ariyalur Taluk & District.

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