



WP(MD). No.2676 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 03/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.2676 of 2023

Eswaran K K

... Petitioner

Vs

1. The Joint Sub Registrar No.1,
Virudhunagar.

2. The Inspector of Police,
Shankar Nagar Police Station, Pammal,
Chennai 75.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Mandamus directing the 1st respondent to register and release the settlement deed presented for registration by the petitioner before the 1st respondent herein and kept as pending document receipt in P/1 No. InaiSaarpathivalar Virudhunagar / 13/2022.

For Petitioner : M/s.Suresh N,
For Respondent : Mr.C.Satheesh
Government Advocate



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ORDER

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The writ petition has been filed for a mandamus to direct the 1st respondent to register and release the settlement deed presented for registration by the petitioner before the 1st respondent herein and kept as pending document receipt in P/1 No. InaiSaarpathivalar Virudhunagar / 13/2022.

2. The petitioner presented a settlement deed in favour of his daughter. When the same was refused to be registered by the 1st respondent, earlier, the petitioner filed a writ petition before this Court in WP(MD) No.3337/2022 and this Court vide order dated 22.02.2022 quashed the said refusal order and directed the respondents to pass an order within a period of four weeks. Pursuant to the said order, when the petitioner presented the settlement deed, the same has been kept pending stating that non traceable certificate to be obtained from the 2nd respondent police. Therefore, the petitioner is before this Court with this writ petition.

3. I have considered the rival submissions and perused the materials available on record.



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4. As far as production of original document is concerned, this Court in ***Federal Bank and Sub Registrar reported in [(2023) 2 CTC 289]*** has held that the rule itself is ultra vires. That apart in ***M. Ariyanatchi v Inspector General*** made in ***W.A.(MD).No. 856 of 2023, dated 27.06.2023***, the Division Bench of this Court has held that the registering authority cannot insist for original document for registration. Despite several judgments, the registering authority is refusing to register the document. Therefore, the 1st respondent is directed to register the settlement deed within seven days from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above direction. No costs.

03.09.2024

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TO

1. The Joint Sub Registrar No.1,
Virudhunagar.
2. The Inspector of Police,
Shankar Nagar Police Station, Pammal,
Chennai 75.

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N.SATHISH KUMAR,J

**ORDER
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