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W.P.(MD)NO.16732 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16732 of 2024

Kaja Pathiudeen

... Petitioner

Vs.

1. The Sub Registrar,
Melapalayam Sub Registrar Office,
Firthouse Complex,
Ambai Road, Melapalayam,
Tirunelveli District.

2. V.Paramasivan

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip in refusal No.RFL/Melapalayam/71/2024 dated 06.07.2024 issued by the first respondent and quash the same as illegal, consequently directing the first respondent to register the settlement deed dated 04.07.2024 presented by the petitioner.

For Petitioner : Mr.A.Abdulkabur

For R-1 : Ms.D.Farjana Ghoushia,
Special Government Pleader.

* * *

**ORDER**

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Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the first respondent.

2. Issuance of notice to the second respondent is dispensed with.

3. The petitioner wants to settle the petition-mentioned property in favour of his wife. The settlement deed was presented for registration. The petitioner states that he had transactions with the second respondent and that the parent document is retained by the second respondent towards certain claim on payment of brokerage fee. It is also stated that the second respondent lodged a complaint before the Legal Services Authority and it was closed, since the second respondent failed to appear.

4. In any event, the first respondent could not have refused registration on the ground that the original document was not produced. In the decision reported in **(2021) 2 CTC 526 (Sivanadiyan Vs. The Sub Registrar, Pudukottai)** this Court held that this cannot be a disputed ground for refusing registration.



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5. The purpose of insisting on production of the original document is for assurance of the title of the executant. In this case, the second respondent is refusing to part with the petitioner's title deed for whatever reason. Therefore, subject to production of encumbrance certificate, the petitioner's document can very well be registered. In this view of the matter, the impugned refusal check slip is quashed. The petitioner can re-present the document. It shall be registered subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

24.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The Sub Registrar,
Melapalayam Sub Registrar Office,
Firthouse Complex,
Ambai Road, Melapalayam,
Tirunelveli District.



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4

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G.R.SWAMINATHAN,J.

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