



W.P(MD)No.17398 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17398 of 2024

and

W.M.P.(MD)No.14933 of 2024

Shyamala

... Petitioner

Vs.

The Sub Registrar,
Rajakkamangalam,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Refusal Check Slip issued by the respondent herein in Refusal Number. RFL/Rajakamangalam/75/2024 dated 19.06.2024 quash the same and consequently direct the respondent herein to register the Deed of Inam Settlement dated 18.06.2024 presented by the petitioner without insisting production of original title document.

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondent : Mrs.D.Farjana Ghoushia,
Spl. Government Pleader.



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ORDER

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Heard both sides.

2.The petitioner wants to settle the petition mentioned property in favour of her daughter. When the settlement deed was presented for registration, the registration was refused on the ground that the parent document was not produced in original. It is seen that the petitioner has complied with all the formalities prescribed in Rule 55 of the Registration Rules. The petitioner has given missing complaint. The jurisdictional police have issued only CSR and are yet to issue non traceable certificate. The petitioner has given an undertaking paper publication (Dinakaran). A learned Judge of this Court in Sivanadiyan's case had held that the registering authority should not insist on production of the parent deed in original.

3.In this view of the matter, the refusal check slip is quashed. The petitioner is permitted to re-present the settlement deed. It shall be received, registered and released subject to fulfilment of other usual formalities.



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4. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub Registrar,
Rajakkamangalam,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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