



W.P.(MD)No.25739 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.25739 of 2024

and

W.M.P.(MD)No.21809 of 2024

R.Inbavalli

... Petitioner

/Vs./

The Sub Registrar,
Sub Registrar Office at Vadipatti,
Vadipatti Taluk,
Madurai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Refusal Check slip in RFL/Vadipatti/71/2024 dated 18.09.2024, which was issued by the represented and quash the same as illegal and consequently direct the respondent to register the petitioner's gift deed which was presented before him within a time stipulated by this Court.



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For Petitioner : Mr.Aru.Maruthachalam
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 18.09.2024 issued by the respondent.

2. Heard Mr.Aru.Maruthachalam, learned counsel appearing for the petitioner, and Mr.P.Subbaraj, learned Special Government Pleader appearing for the respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The respondent under the impugned refusal check slip has refused to register the gift settlement deed presented by the petitioner for registration on the ground that the petitioner has not produced the parent original title deeds.



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5. The petitioner claims that due to certain internal disputes among the petitioner's husband's family members, she could not retrieve the original parent title deeds and only due to the said fact that she did not produce the original parent title deeds to the respondent at the time of presentation of the gift settlement deed for registration.

6. Law is now well settled by various decisions rendered by this Court that there is no necessity to produce the original parent title deeds at the time of presentation of a document for registration.

7. The petitioner has produced all the certified copies of the parent title deeds with the respondent, at the time of presentation of the gift settlement deed for registration. Only due to the fact that original parent documents are not available with the petitioner due to the reasons stated supra, the petitioner has not produced the same.

8. In view of the well settled law that there is no necessity to produce the original parent document, at the time of presentation of the document for registration, this Court is of the considered view that by



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total non-application of mind to the same, the respondent, under the impugned refusal check slip dated 18.09.2024 has refused to register the gift settlement deed presented by the petitioner for registration on the ground that she has not produced the original parent title deeds. The reason given by the respondent under the impugned refusal check slip is arbitrary and not in accordance with the settled law.

9. For the foregoing reasons, the impugned refusal check slip dated 18.09.2024 issued by the respondent is hereby quashed and this writ petition is allowed by directing the respondent to register the gift settlement deed presented by the petitioner for registration, if the same is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

28.10.2024

Index : Yes / No
NCC : Yes / No
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TO:-

The Sub Registrar,
Sub Registrar Office at Vadipatti,
Vadipatti Taluk,
Madurai District.



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ABDUL QUDDHOSE, J.

Sm

Order made in
W.P.(MD)No.25739 of 2024

Dated:
28.10.2024