



W.P.(MD)No.25714 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.25714 of 2024

and

W.M.P.(MD)No.21801 of 2024

P.Muthaiah @ Periyamuthaiah

... Petitioner

/Vs./

The Sub Registrar,
Office of the Sub Registrar,
Theni,
Theni District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the refusal check slip dated 09.09.2024 refusing to register a gift settlement deed submitted by the petitioner and quash the same, consequently directing the respondent to register the gift settlement deed without insisting for the original document in Document No.9990 of 2011.



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For Petitioner : Mr.S.Malaikani
For Respondent : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 09.09.2024 issued by the respondent, by which the respondent has refused to register a gift settlement deed presented by the petitioner for registration on the ground that the petitioner has not produced the original parent document.

2. Heard Mr.S.Malaikani, learned counsel appearing for the petitioner, and Mr.M.Siddharthan, learned Additional 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.



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4. The Law is now well settled through various decisions rendered by this Court that there is no necessity for the production of the original parent title deeds while presenting a document for registration. In view of the well settled law, the impugned order calling upon the petitioner to produce the original parent document is arbitrary and is bad in law.

5. For the foregoing reasons, the impugned refusal check slip dated 09.09.2024 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, provided the same is otherwise in order and the petitioner is also paid requisite stamp duty and registration charges 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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ABDUL QUDDHOSE, J.

Sm

TO:-

The Sub Registrar,
Office of the Sub Registrar,
Theni,
Theni District.

Order made in
W.P.(MD)No.25714 of 2024

Dated:
28.10.2024