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W.P.No.943 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.943 of 2025

R.Saraswathi

... Petitioner

Vs.

The Sub Registrar, Neelankarai
Neelankarai,
Chennai - 600 041.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the respondent impugned order pertaining to Refusal Check Slip Number RFL/Neelankarai/74/ 2024 dated 31.12.2024, and quash the same as illegal and consequently direct the respondent Sub-Registrar, Neelankarai to register the Settlement Deed dated 31.12.2024 executed by the petitioner without insisting for the production of the original parent document.

For Petitioner	: Mr.J.Saravana Vel
For Respondent	: Mr.M.Shahjahan, Special Government Pleader

ORDER

The above Writ Petition has been filed challenging the Refusal Check Slip issued by the Sub Registrar, Neelankarai, dated 31.12.2024, in his proceedings Number RFL / Neelankarai / 74 / 2024.



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2. It is the case of the petitioner that the subject property had been obtained by her under the Sale Deed dated 18.11.1982 registered on the file of the Joint Sub Registrar, Saidapet. From the date of her purchase, she has been in possession of the same and thereafter, constructed a building consisting of a stilt floor and two upper floors, with a total of five dwelling units. Since the petitioner did not have any issues, she had decided to settle the entire property in favour of her elder sister, Mrs.Radha Rukmani., except for one dwelling unit for her own use. The original Sale Deed had been lost while shifting her house and therefore, the petitioner had issued public notices regarding lost, both in English newspaper (Southern Mail) and Tamil newspaper (Thinabhum) on 05.10.2024. The petitioner attempted to give a complaint regarding the missing document so as to obtain a "non-traceability certificate". When she approached the Thoraipakkam Police Station on 08.11.2024, the Inspector of Police of the said Station informed the petitioner that she could directly approach the respondent since there was a judgment of this Court stating that even in the absence of original parent document, the Registering Authorities had to register the document. Therefore, the petitioner presented the Settlement Deed dated 31.12.2024 for registration along with certified copy of parent



document. However, the same has been rejected by the respondent on the ground that the original documents were not produced. Therefore, the petitioner is before this Court.

3. Heard the counsels on either side.

4. This Court has time and again directed the Registering Authorities to confine exercise of their powers within the parameters set out under Sections 34 (3) of the Registration Act and Section 22-A of the Registration Act, which is inserted by the Tamil Nadu Act 48 of 1997. Further, this Court in the judgment of ***P.Pappu Vs. The Sub Registrar, Rasipuram in W.A.No.1160 of 2024***, upon relying on earlier judgment in ***M.Ariyanatchi and another Vs. The Inspector General of Registration , Chennai and another in W.A.(MD) No.856 of 2023***, had held that the production of original documents need not be insisted, particularly, in cases where the document is lost and the petitioner had produced a certified copy of the original document. That apart, the veracity of the document can be easily examined by the respondent by calling for records from the other Registering Authority.



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5. In the case of *Ramayee Vs The Sub Registrar and others - (2020 (6) CTC 697)*, the learned Judge has discussed the role of the registering authorities while considering a document for registration is to verify its execution, identity of the executant or the agent/ representative assigned etc., and held that the registering authority cannot go into the question of title. The grounds of refusal are also specified in Section 22-A of the Registration Act.

6. Therefore, for the aforesaid reasons the impugned refusal check slip cannot be sustained and accordingly, the Writ Petition is allowed. The impugned refusal check slip is set aside. The respondent is directed to register the Settlement Deed dated 31.12.2024 within a period of two (2) weeks from the date of representation by the petitioner. No costs.

21.01.2025

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

The Sub Registrar, Neelankarai
Neelankarai, Chennai - 600 041.



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