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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2780 of 2025

M.Saravanan

..Petitioner

Vs.

The Sub Registrar,
Thukkanaickenpalayam SRO,
Erode District

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for records relating to the impugned refusal check slip dated 24.12.2024 made in RFL/Thukanaickenpalayam/ 54/2024 and quash the same and consequently, direct the respondent to register the settlement deed dated 24.12.2024 by verifying the certified copies of the parent documents and encumbrance certificate without insisting for original parent deed.

For Petitioner : Mr.R.Prabakar
For Respondent : Mr.M.Shahjahan
Special Government Pleader



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ORDER

This writ petition has been filed challenging the impugned refusal check slip issued by the respondent dated 24.12.2024 whereby the settlement deed that was presented for registration was refused to be registered on the ground that the original title document was not filed.

2. Heard Mr.R.Prabakar, learned counsel for the petitioner and Mr.M.Shahjahan, learned Special Government Pleader for respondent.

3. The petitioner is the owner of the subject property and he wanted to settle the property in favour of his wife. When the settlement deed was presented for registration before the respondent, the same was refused to be registered on the ground that the petitioner did not comply with the 3rd proviso to Rule 55A of the Registration Rules.

4. In the considered view of this Court, the petitioner has given the reason for the non-availability of the original title document in Paragraph 6 of the affidavit. This reason can be incorporated as a recital in the settlement deed



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itself so that the respondent will atleast be satisfied as to why the original document is not produced.

5. In cases where it involves settlement deed or release deed as among family members, such a procedure can be followed. In case, it involves third parties, the third proviso to Rule 55A of the Registration Rules can be followed. So that, the respondent will be satisfied as to why the original title documents are not available.

6. In view of the above, the petitioner is directed to incorporate a recital in the settlement deed and present it for registration in accordance with the procedure and on receipt of the same, the respondent shall register the document, if it is otherwise in order.

7. This writ petition is allowed with the above directions. No costs.

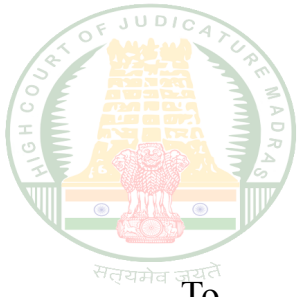


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Internet : Yes/No
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N. ANAND VENKATESH, J.
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To
The Sub Registrar,
Thukkanaickenpalayam SRO,
Erode District

WP No.2780 of 2025

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