



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3712 of 2025

B.Rangaswamy

... Petitioner

Vs.

The Sub Registrar,
Mettupalayam,
Coimbatore 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 and quashing the refusal slip RFL/Mettupalayam/92/2024, dated 5.12.2024, issued by the respondent herein, and direct the Sub Registrar, Mettupalayam to register the Settlement Deed dated 05.12.2024 executed by Petitioner, settling his property(1) comprised in SF.No. 739, Pula En. 19.12, present sub division in Patta No.376 and comprised in present SF.No.739/6, measuring 0.59.0 Hectres (Act 01.23 1/2 acres) together with all easementary rights (2) comprised in S.F.No. 742, as per sub division patta No.1601, bearing present SF No. 742/3, measuring 0.39.00 Hectres (0.96.37 cents), together with building and other structures thereon and all easmentary rights, situated in illupandanam village, Mettupalayam taluk, Coimbatore District, situated within the registration sub district of Mettupalayam, without insisting upon production the Original of the parent title document, within a time limit that may be prescribed by this Court.



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For Petitioner : Mr.B.Hari Krishnan

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip issued by the respondent dated 05.12.2024 and for a consequential direction to the respondent to register the Settlement Deed dated 05.12.2024 executed by the petitioner in favour of two sons and one daughter.

2.Heard Mr.B.Hari Krishnan, learned counsel appearing on behalf of the petitioner and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of the respondent.

3.The petitioner is the owner of the subject property. He wanted to settle the property in favour of his two sons and one daughter. Accordingly, a Settlement Deed dated 05.12.2024 was executed and the same was presented for registration before the respondent. It was refused to be registered on the ground that the original title document has not been produced. Aggrieved by the same, the present writ petition has been filed before this Court.



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4.This Court has repeatedly held that the Sub Registrar cannot insist for original title documents and refuse registration of documents on that ground. In the instant case, the petitioner is executing a Settlement Deed in favour of his children. In the affidavit filed in support of the writ petition, at Paragraph No.4, it has been stated that the eldest son had taken away all the original title documents and he has not returned it back and there is a police complaint pending in this regard. In view of the same, it will suffice if the petitioner gives his sworn affidavit by stating the reasons that has been given at Paragraph No.4 of the affidavit for non production of the original documents. If the same is received along with the Settlement Deed, the respondent shall proceed to register the Settlement Deed, if it is otherwise in order.

5.In the result, this writ petition stands allowed with the above directions. No Costs.

07.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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N. ANAND VENKATESH, J.

SSR

To

The Sub Registrar,
Mettupalayam,
Coimbatore District.

W.P.No.3712 of 2025

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