



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4681 of 2025

S.J.Perumal

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Mylappore,
Chennai.

2.The District Registrar,
Vellore District,
Vellore.

3.The Sub Registrar,
Gudiyatham,
Vellore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records in respect of the Refusal Slip in RFL/Gudiyatham/Book 2/4 dated 8.7.2024 issued by the 3rd respondent and quash the same.



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For Petitioner : Ms.T.Sreelekha

For Respondents : Mr.R.Sasikumar
Government Advocate

ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 3rd respondent dated 08.07.2024 and for a consequential direction to the 3rd respondent to register the Settlement Deed dated 05.07.2024 executed by the petitioner in favour of his son.

2.Heard Ms.T.Sreelekha, learned counsel appearing on behalf of the petitioner and Mr.R.Sasikumar, learned Government Advocate appearing on behalf of the respondents 1 to 3.

3.On carefully going through the refusal Check Slip, it can be seen that the 3rd respondent had received objections from one Jothi Balakrishnan who is the brother of the petitioner and he has stated that he is having the original document. On the other hand, the petitioner took a stand that the original document has been lost and the petitioner has also obtained a Non-Traceable Certificate from the police. The brother of the petitioner who claimed that he was having the original



document, did not chose to produce that document before the 3rd respondent. Apart from that, the brother of the petitioner has also instituted a suit claiming for a right in an ancestral property and in that suit, the subject matter property does not form part.

4.This Court has repeatedly held that the registration authority cannot refuse to register the document on the ground that the original title document has not been produced. The petitioner has assigned a reason for not producing the original title document and the necessary procedure has been followed under 3rd proviso to Rule 55(A) of the Registration Rules by producing the Non-Traceable Certificate. If the brother of the petitioner is in possession of the original document, he should produce it before the Sub Registrar. He cannot make a oral statement and based on the same, the registration cannot be refused. In any case, the dispute between the petitioner and the brother cannot be a reason for not registering the document since there is no restraint order passed by any Court, restraining the petitioner to settle the property in favour of his son. Hence, the 3rd respondent is directed to register the Settlement Deed, if it is otherwise in order.

N. ANAND VENKATESH, J.



SSR

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5.This writ petition is allowed with the above directions. No Costs.

17.02.2025

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

To

- 1.The Inspector General of Registration,
100, Santhome High Road,
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Chennai.
- 2.The District Registrar,
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