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W.P.No.3448 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3448 of 2025

Rakkamal

... Petitioner

Vs.

The Sub Registrar
Sathyamangalam, Erode District

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records relating to refusal check Slip No.RFL/Sthyamangalam/122/2024 dated 17.12.2024 and quash the same and further direct the respondent to register the settlement deed dated 17.12.2024 presented by the petitioner within a stipulated period fixed by this Court.

For Petitioner	: Mr.S.Pathasarathy
For Respondents	: Mr.M.Shahjahan Special Government Pleader

ORDER

This writ petition has been filed challenging the refusal check slip



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issued by the respondent dated 17.12.2024 and for a consequential direction to the respondent to register the settlement deed dated 17.12.2024 presented by the petitioner.

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

3. The petitioner wanted to execute a settlement deed in favour of her son. When this settlement deed was presented before the respondent, the same was refused to be registered on the ground that the original title document was not produced. According to the petitioner, the original title document was lost long back and only the certified copy is available.

4. This Court has repeatedly held that production of original title document is not mandatory for registration of document. It has been held that it cannot be a ground to deny registration. Useful reference can be made to the latest judgement of the Division Bench of this Court in ***[M.Ariyanatch and another Vs. The Inspector General of Registration and another]*** reported in ***2024 3 MLJ 55***.



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5. On carefully reading the third proviso to Rule 55A of the Tamil Nadu Registration Rules, 1949, it is seen that wherever the original document is lost, the requirements under that proviso must be satisfied in order to entertain the document and register the same. Hence, it will suffice if the petitioner is directed to satisfy that requirement and present the document for registration.

6. In the light of the above discussion, the petitioner is directed to re-present the document before the respondent along with a clause in the document mentioning the fact that the original title document has been lost and the same is not able to be traced. On fulfilling this condition, the respondent shall entertain the document and register the same, if it is otherwise in order.

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

07.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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N. ANAND VENKATESH.J,

rka

To
The Sub Registrar
Sathyamangalam, Erode District

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Dated: 07.02.2025