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W.P.No.3125 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.3125 of 2025

V.Seethalakshmi

... Petitioner

Vs.

The Joint-I Sub Registrar,
O/o.Joint-I Sub Registrar,
Thiruvarur,
Thiruvarur District.

...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 relating to the impugned order passed by the respondent in Refusal Check Slip No.RFL/Thiruvarur Joint-I/21/2025 dated 24.01.2025 thereby refusing to register the petitioner's Settlement Deed executed in favour of her daughter namely C.Thyagapriya and quash the same as illegal incompetent and without jurisdiction and further direct the respondent herein to register the Settlement Deed dated 24.01.2025 presented by the petitioner for registration without insisting for the production of original parent document.



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For Petitioner : Mr.Vijaya Ragavan

For Respondent : Mr.C.Sathish,
Government Advocate

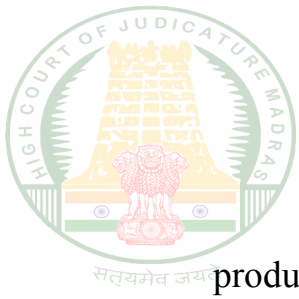
ORDER

Challenging the refusal check slip bearing No. RFL/Thiruvapur Joint-I/21/2025 dated 24.01.2025 issued by the respondent against the registration of a Settlement Dated 24.01.2025 presented by him, the petitioner is before this Court.

2. The respondent had refused to register the said document on the ground that the parent documents were not produced at the time of registration.

3. Heard the learned counsels on the either side and perused the records.

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

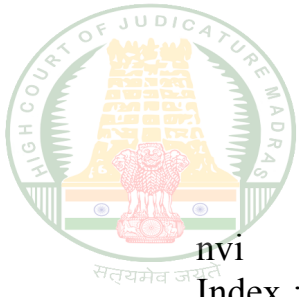


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production of original documents need not be insisted, particularly, in cases where the document is lost and the petitioner had produced a certified copy of the original document. That apart, the veracity of the document can be easily examined by the respondent by calling for records from the other Registering Authority.

5. In the case of *Ramayee Vs The Sub Registrar and others - (2020 (6) CTC 697)*, this Court has set out 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 it has been held that the registering authority cannot go into the question of title.

6. Accordingly, the Writ Petition is allowed. The respondent is directed to consider the petitioner's representation dated 24.01.2025 and to register the petitioner's Settlement Deed executed in favour of her daughter namely C.Thyagapriya. He is also directed to register the Settlement Deed dated 24.01.2025 presented by the petitioner for registration without insisting for the production of original parent document within a period of two (2) weeks from the date of representation by the petitioner. No costs.



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30.01.2025

nvi

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To :

The Joint-I Sub Registrar,

O/o.Joint-I Sub Registrar,

Thiruvarur,

Thiruvarur District.



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