



W.P.No.3350 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3350 of 2025

B.Deepan

... Petitioner

Vs.

The Sub Registrar
Avinashi
Tiruppur District

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the refusal check slip in RFL/Avinashi/3/2025 dated 25.01.2025 and quash the same as illegal, incompetent and ultravires and consequently direct the respondent to register the settlement deed dated 25.01.2025 for the property in S.No.484/2, 485, 486, 487, 489, 490/1, 490/2 and 491, in which the total extent is 11.83 Acrs out of which 2/3rd share of 7.88 Acres in which land to an extent of 2 Acres at Rakkiyapalayam Village, Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.R.Jayaprakash

For Respondent : Mr.M.Shahjahan
Special Government Pleader

ORDER

1/4



W.P.No.3350 of 2025

This Writ Petition has been filed challenging the impugned refusal check slip dated 25.01.2025 issued by the respondent and for a consequential direction to the respondent to register the settlement deed dated 25.01.2025, wherein the petitioner's mother wanted to settle the subject property in favour of the petitioner.

2.Heard Mr.R.Jayaprakash, the learned counsel appearing on behalf of the petitioner and Mr.M.Shahjahan, the learned Special Government Pleader appearing for the respondent.

3.The refusal check slip has been issued by the respondent on two grounds and they are;

a. the H.R.& C.E. department through letter dated 27.08.2023 has directed the respondent not to register certain properties on the ground that it belongs to the temple; and

b. the original title documents have not been presented at the time of registration.

4.In so far as the first ground is concerned, the respondent can always



W.P.No.3350 of 2025

conduct a summary enquiry and take a decision. This Court can take note of the judgment of division bench in ***D.Kalaiyaran V. Inspector General of Registration and others*** reported in (2017) AR Mad 203 and the relevant portions are found at paragraphs 22 and 23 of the judgment. Hence, the claim made by the temple and H.R.&C.E. Department can be decided by the respondent by conducting a summary enquiry as directed by the division bench.

5.In so far the second ground is concerned, this Court has repeatedly held that the original title document cannot be insisted upon for the purpose of registration of a document. Useful reference can be made to the judgment of the division bench in W.A.No.1160 of 2024 dated 27.09.2024. In view of the same, it will suffice if the third proviso to Rule 55A of the Tamil Nadu Registration Rules is satisfied and in which event, original document cannot be insisted. This clarity will sufficiently take care of the grievance of the petitioner and if ultimately the respondent proceeds to register the document, this observation shall be taken note of and the original title document need not be insisted.



W.P.No.3350 of 2025

N. ANAND VENKATESH, J.

kas

6.In so far as the first direction for conducting a summary enquiry, it shall be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

7.This writ petition is disposed of with the above direction. No costs.

03.02.2025

Index : Yes / No
Neutral Citation

kas

To.

The Sub Registrar
Avinashi
Tiruppur District

W.P.No.3350 of 2025