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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4361 of 2025
and W.M.P.No.4876 of 2025

1.E.Sankar
2.E.Vasanth
3.T.Sowmiyavathi
4.M.Sarala

... Petitioners

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome High Road,
Chennai 600 028.

2.The District Registrar,
Office of the District Registrar,
North Chennai, Kuralagam,
Chennai 600 104.

3.The Sub Registrar,
Office of the Sub Registrar,
Thiruvotriyur,
Chennai 600 019.

... Respondents



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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 relating to the impugned order dated 09.10.2024 making Refusal Check Slip RFL /TVT/29/2024 passed by the 3rd Respondent quash the same as illegal and consequentially to direct the 3rd respondent to register the release deed dated 09.10.2024 which was presented by the petitioners before the sub Registrar in favour of Sri.E Soundar Rajan in respect of the property comprised in Survey No.191/1, 191/1A4 of “Poombuhar Nagar” at Manali Village, Thiruvallur District measuring about 2669 sq. ft.

For Petitioner : Mr.K.Senthil

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 3rd respondent dated 09.10.2024 and for a consequential direction to the 3rd respondent to register the Release Deed dated 09.10.2024.



2.Heard Mr.K.Senthil, learned counsel appearing on behalf of the petitioners and Mr.B.Vijay, learned Additional Government Pleader appearing on behalf of the respondents.

3.The property was originally owned by the father and on his demise, it was inherited by the mother, sons and daughters. The mother and the two daughters wanted to release their share in favour of the petitioner and accordingly, a Release Deed dated 09.10.2024 was executed and presented for registration before the 3rd respondent. The same has been refused to register on the ground that the original title documents were not produced.

4.On going through the affidavit filed in the support of the writ petition, it is seen that there is a dispute between the petitioner and one of the brother who is retaining the original title documents. This Court has repeatedly held that the registering authority cannot insist for the original title documents as a condition precedent for registering the document. Hence, it will suffice if the petitioner gives sworn affidavit before the 3rd respondent stating the reason as to why the original title documents is not able to be produced. On such affidavit being filed,



the 3rd respondent can entertain the document and register the same, if it is otherwise in order. It is also made clear that there is a suit pending in O.S.No.86 of 2024, wherein, the 2nd petitioner has sought for the relief of permanent injunction against one of her son and the same is pending. This suit will not come in a way to entertaining the registration.

5.This writ petition is allowed with the above directions. No Costs.
Consequently, connected miscellaneous petition is closed.

14.02.2025

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order
ssr

(2/2)

To

1.The Inspector General of Registration,
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Santhome High Road,
Chennai 600 028.



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Chennai 600 104.

3. The Sub Registrar,
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N. ANAND VENKATESH, J.

SSR

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