



Writ Petition No.4904 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED 18.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.4904 of 2025

L.Sharmila

W/o.Loganathan

...Petitioner

Vs.

The 1 No.Joint Sub Registrar,
The 1 No.Joint Sub Registrar Office,
Erode Taluk, Erode 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 refusal number RFL/1 No.Joint Sub Registrar Erode/13/2025 dated 22.01.2025 and to quash the same as illegal, incompetent and ultravires and consequently, direct the respondent to register the Gift Deed dated 22.01.2025 executed by the petitioner.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mr.K.Karthick Jagannath
Government Advocate



Writ Petition No.4904 of 2025

ORDER

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This writ petition has been filed challenging the refusal check slip issued by the respondent dated 22.01.2025 and for a consequential direction to the respondent to register the settlement deed dated 22.01.2025 executed by the petitioner in favour of her husband.

2. Heard Mr.M.Guruprasad, learned counsel for petitioner and Mr.K.Karthick Jagannath, learned Government Advocate appearing for respondent.

3. The only ground that has been put against the petitioner is that the original title documents were not produced at the time of registration. This Court has repeatedly held that production of original title document cannot be made as a condition precedent for entertaining and registering a document. That apart, the petitioner has also completed the necessary formalities by lodging a complaint before the police and by effecting paper publication regarding the lost original documents. Hence, the petitioner has substantially complied with the requirements under third proviso to Rule 55-A of the Tamil Nadu



Writ Petition No.4904 of 2025

Registration Rules, 1949. Considering the fact that a settlement deed is being executed in favour of the family member, no further formalities are required to be fulfilled by the petitioner.

4. In the light above discussion, there shall be a direction to the respondent to entertain the settlement deed dated 22.01.2025 and register the same, if it is otherwise in order.

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

18.02.2025

Index : yes/no
Neutral citation:yes/no
Speaking Order / Non Speaking Order
gm

To
The 1 No.Joint Sub Registrar,
The 1 No.Joint Sub Registrar Office,
Erode Taluk, Erode District.



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Writ Petition No.4904 of 2025

N. ANAND VENKATESH, J.

gm

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