



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 7013 of 2025

J.Nithiya Kalyani

Petitioner(s)

Vs

The Sub Registrar
Office Guduvanchery Joint 1,
Nandhivaram Chengalpet District,
Guduvanchery 603202

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records dated in 05.02.2025 in refusal number:RFL/Guduvanchery/3/2025 and to quash the same and directing the respondent, The Sub Registrar, office of the Sub Registrar, Guduvanchery Joint I, Chengalpattu, to consider the representation of the petitioner dated 23.12.2024 and direct the respondent to permit the petitioner to



register the settlement deed in favour of her Grandchild considering the petitioner's age within a stipulated time.

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For Petitioner(s): S.Santhi
For Respondent(s): Mr.R.Sasikumar
Government Advocate

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip issued by the respondent dated 05.02.2025 and for a consequential direction to the respondent to register the Settlement Deed that was executed by the petitioner in favour of her grand child.

2.Heard Ms.S.Santhi, learned counsel appearing on behalf of the petitioner and Mr.R.Sasikumar, learned Government Advocate appearing on behalf of the respondent.

3.The refusal Check Slip has been issued by the respondent mainly on the ground that the petitioner did not produce the original title documents.



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4. The petitioner has stated in the affidavit filed in support of the writ petition that originally a Power of Attorney was executed in favour of one Sridevi in the year 2014 and the original documents were also handed over. This Power of Attorney was executed for the purpose of developing the property by entering into a joint venture agreement. This agreement did not go through and the agent informed the petitioner that the original documents are missing. The petitioner considering her old age, decided to settle the property in favour of her grand child. When the Settlement Deed was presented for registration, the respondent refused to register the Settlement Deed on the ground that the original title document to the property was not submitted.

5. This Court has repeatedly held that the insistence of original title documents cannot be a condition precedent for registering the document. The petitioner has given a reason for non-production of the title documents and the same can be incorporated as one of the recital in the Settlement Deed and it shall be re-presented before the respondent. In such an event, the respondent shall register the document, if it is otherwise in order.



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N.ANAND VENKATESH J.

SSR

6.In the result, this writ petition stands allowed with the above directions.

No Costs.

03-03-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

SSR

To

1.The Sub Registrar
Office Guduvanchery Joint 1,
Nandhivaram Chengalpet District,
Guduvanchery 603202

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