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W.P.No.16391 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.16391 of 2025

A.Lakshmi

... Petitioner(s)

Vs.

1.The Sub Registrar, Joint-II,
Office of Sub-Registrar,
Kancheepuram.

2.The Tahsildar,
Office of Tahsildar,
Kovindavadi, Kancheepuram.

... Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned refusal slip vide RFL/Joint-II Sub-Registrar, Kancheepuram/3/2025 dated 27.02.2025 issued by the 1st respondent and quash the same as illegal, arbitrary and non-est in law and consequently direct the 1st respondent to register the Settlement Deed and release the same within the time stipulated by this Hon'ble Court.



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For Petitioner(s) : Mr.B.Vijay
for Mr.S.Santhosh

For Respondent(s) : Mr.U.Baranidharan for R1 & R2
Special Government Pleader

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.The present writ petition is filed praying for a writ of certiorarified mandamus to quash the impugned refusal slip dated 27.02.2025 whereby the Settlement Deed which was presented by the petitioner was rejected on the premise that the settlor do not have a patta in his name.

3.Reliance was placed on the judgment of this Court in W.P.No.10055 of 2022 dated 25.04.2022, wherein this Court has held as follows:

4. The learned counsel for the petitioner submitted that, the petitioner's mother had purchased the aforesaid property through two sale deeds from Sri.T.S.Rajagopalan, as stated supra. However, without verifying the sale deeds produced by the petitioner, the second respondent had simply rejected and given Refusal Slip on the



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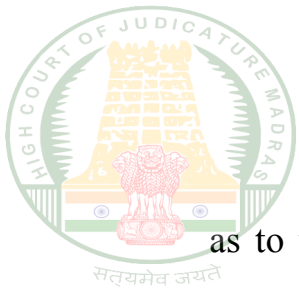


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ground that the Patta was not produced, which is not sustainable one. Further, he submitted that the partition deed possessed by the petitioner is based on the title and not based on the Patta obtained by his mother. Hence, the impugned Rejection Slip is not sustainable one. Accordingly, he prays for allowing this Writ Petition.

7. Considering the facts and circumstances of the case, this Court is of the view that the issue arises in the present case is covered by the decision of this Court in W.P.(MD)No.19745 of 2020, order dated 11.02.2021. Admittedly, the petitioner claims that his mother had purchased the property from Sri.T.S.Rajagopalan through two registered sale deeds vide Document Nos.1080 of 1982 dated 31.03.1982 and 2488 of 1982 dated 17.07.1982 respectively. The petitioner has not produced the parent document, however, he has produced the copy of the parent document. Therefore, the certified copy of the parent document is sufficient to entertain the document for registration. Mere non-production of Patta will not deprive the rights to the petitioner for registration of partition deed. In the present case, the petitioner has produced the copy of the parent document and Non Traceable Certificate. However, the second respondent refused to register the partition deed, on the ground that the revenue records were not mutated, which is not sustainable one. Hence, the second respondent is directed to entertain the document presented by the petitioner and upon perusing the copy of the parent document and Non Traceable Certificate produced by the petitioner.

4.Keeping in view of the above order, this Court posed a question



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as to whether any appeal has been filed as against the aforesaid order,

learned Special Government Pleader for the respondents would submit

that there is no appeal has been preferred as against the above order.

5.Learned Special Government Pleader would submit that pursuant thereof, a Circular No.22482/C1/2022, dated 12.07.2024 also came to be issued and it was clarified as under:

"In the reference, first cited, Hon'ble High Court had directed the Inspector General of Registration to issue circular indicating the law declared by the Court in various verdicts. Accordingly this circular is issued on the basis of the various verdicts of Courts and also reiterating various circulars which have been already issued in this regard.

a) Vide Inspector General of Registration Circular No.58804/L1/2004 dated 8.11.2004 it has been already instructed that registering officers should not insist the registrants to produce Chitta, Adangal, Rental value certificate etc. Moreover, in the said circular it was stated that if any violation is found, severe disciplinary action would be initiated against the registering officer.

Further, it is hereby reiterated that if registering officers are found to have passed an order of refusal on the grounds that the executant of a document has not produced Chitta, Adangal, FMB Sketch, then severe disciplinary actions will be taken."



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6. In view thereof, the Writ Petition stands disposed of with and the impugned order passed by the 1st respondent dated 27.02.2025 is set aside. Petitioner may re-submit the Settlement Deed, 2nd respondent would consider and register the same if it is otherwise in order. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. No costs.

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Index : Yes/ No
Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
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To

1. The Sub Registrar, Joint-II,
Office of Sub-Registrar,
Kancheepuram.
2. The Tahsildar,
Office of Tahsildar,
Kovindavadi, Kancheepuram.



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MOHAMMED SHAFFIQ, J.

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