



W.P.No.28814 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2025

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Coram:

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.28814 of 2025

Rajeshwari

...Petitioner

Versus

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

2.The Sub-Registrar,
Office of Sub Registrar,
Vikravandi.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned refusal check slip vide RFL/Vikravandi/46/2025 dated 17.06.2025 issued by the 2nd respondent and quash the same as illegal, arbitrary and non-est in law, consequently, direct the 2nd respondent to register the Settlement Deed presented by the petitioner and release the same within the time stipulated by this Court.

For Petitioner : Mr.B.Vijay

For Respondents : Mr.Abishek Murthy,
Government Advocate



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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 relief sought in this writ petition is to quash the Refusal Check Slip No.RFL/Vikravandi/46/2025 dated 17.06.2025 issued by 2nd respondent and consequently, direct the 2nd respondent to register the Settlement Deed presented by the petitioner and release the same, within a time frame to be fixed by this Court.

3. The learned counsel for the petitioner submitted that on 17.06.2025, petitioner presented a Settlement Deed before 2nd respondent for registration. However, on the same day, 2nd respondent vide impugned Refusal Check Slip dated 17.06.2025, refused to register the same on the premise that on verification of Encumbrance Certificate and Revenue Records relating to the property mentioned in the Settlement Deed presented for registration, it was found that Patta has been issued in the name of one Mrs.Vijaya W/o. Abiraman, whereas, in the Settlement Deed presented for



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registration, name of the owner of subject property has been mentioned as

Mrs.Rajeshwari. He further submitted that the reason assigned in the

impugned Refusal Check Slip issued by 2nd respondent is unsustainable.

The learned counsel for the petitioner also submitted that while dealing with

an identical issue in the case of A.Lakshmi Vs. The Sub-Registrar & Anr.,

this Court has passed an Order dated 04.06.2025 in W.P.No.16391 of 2025

in favour of the petitioner therein. Operative portion of the said order is

extracted hereunder:

“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 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



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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 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.

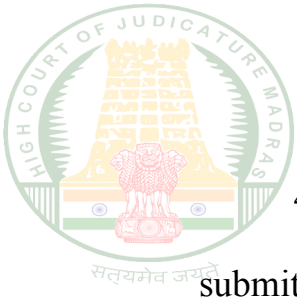
5. Learned Special Government Pleader would submit that pursuant thereof, a Circular No.22482/C1/2022, dated 12.07.2024 also came to be issued and it was clarified as under:

“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.”

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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4. The learned Government Advocate appearing for the respondents submitted that if the petitioner re-presents the Settlement Deed, 2nd respondent would consider the said Settlement Deed and register the same, if it is otherwise in order. He further submitted that if the registration of Settlement Deed is refused for any reasons, 2nd respondent would issue a Refusal Check Slip/Order assigning the reasons for refusal.

5. The above submission made by the learned Government Advocate for the respondents has been fairly conceded by the learned counsel for the petitioner.

6. In view thereof, this Writ Petition stands disposed of on the following terms:

(i) The impugned Refusal Check Slip No.RFL/Vikravandi/46/2025 dated 17.06.2025 issued by 2nd respondent is quashed.

(ii) The petitioner is directed to re-present the Settlement Deed dated 17.06.2025 before 2nd respondent for registration.

(iii) On such re-presentation by petitioner, 2nd respondent shall



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consider the Settlement Deed and register the same, if it is otherwise in order.

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(iv) If for any reasons, registration of Settlement Deed is sought to be refused, 2nd respondent shall issue a Refusal Check Slip/Order assigning appropriate reasons.

(v) 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 2nd respondent to consider the matter on its own merits and in accordance with law. No costs.

07.08.2025

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Index : Yes/No

Speaking Order (or) Non-Speaking Order

To

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

2.The Sub-Registrar,
Office of Sub Registrar,
Vikravandi.



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MOHAMMED SHAFFIQ, J.

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