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WP.No.39482 of 2024

In the High Court of Judicature at Madras

Dated : 05.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.39482 of 2024 &
WMP.No.42745 of 2024

T.Parthiban

...Petitioner

Vs

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Chennai-28.

2.The District Registrar,
Tirupattur, Tirupattur District.

3.The Sub-Registrar,
Vaniyambadi, Tirupattur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the entire records pertaining to the Refusal Check Slip No.RFL/Vaniyambadi/147/2024 dated 13.11.2024 issued by the third respondent, quash the same as illegal and incompetent and to further direct the third respondent to register the settlement deed dated 13.11.2024 executed in his favour on its representation.

For Petitioner : Mr.P.A.Sudesh Kumar
For Respondents : Mr.P.Harish, GA



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ORDER

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The writ petition has been filed challenging the refusal check slip dated 13.11.2024 issued by the third respondent and for a consequential direction to the third respondent to register the settlement deed dated 13.11.2024 executed by the petitioner's mother and sister in his favour.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The third respondent refused to register the document presented by the petitioner on the ground that the petitioner did not produce the original title documents.

4. In the affidavit filed in support of the writ petition, at paragraph 3, the petitioner has given the reason for the non production of the original title documents.

5. This Court has repeatedly held that the Registering Authorities cannot insist for production of the original documents nor can refuse to register the documents presented before them in a case of this nature.

It would suffice if the parties add one clause in the settlement deed



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explaining the loss of the title deeds as stated in paragraph 3 of the affidavit filed in support of the writ petition. If this is done, there will be no reason for the third respondent to refuse registration since the document is executed within family members.

6. In the light of the above discussions, the writ petition is allowed and the impugned refusal check slip dated 13.11.2024 is hereby set aside. There shall be a direction to the settlors to incorporate a clause in the settlement deed stating the reason for the non production of the original title documents. Thereafter, the document shall be presented for registration and shall be registered, if it is otherwise in order. No costs. Consequently, the connected WMP is closed.

05.2.2025

To

- 1.The Inspector General of
Registration, No.100,
Santhome High Road,
Chennai-28.
- 2.The District Registrar,
Tirupattur, Tirupattur District.
- 3.The Sub-Registrar,
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