



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

Writ Petition No.10398 of 2026

Thenmozhi
D/o.Chinnasamy

..Petitioner

Vs

1. The District Registrar,
Tiruppur District,
Tiruppur.
2. The Sub Registrar,
Avinashi Sub Registrar Office,
Avinashi, Tiruppur District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned refusal slip in Ref.No.RFL/Avinasi/Book 2/1 dated 02.02.2026 in respect of the petitioner's property consisted in New Sub-Division Survey No.18/1E7, bearing plot no.21 (patta no.1664) housing site total extent of 2041 sq.feet situated in Karumapalaiyam Village, Avinasi Sub Registrar, Tiruppur Registration District, Avinashi Taluk, Tiruppur District and quash the same and consequently, direct the second respondent to forthwith register the settlement deed dated 20.01.2026 presented by the petitioner without insisting for the production of original parent documents.

For Petitioner : Mr.T.Balaji

For Respondents: Ms.K.Aswini Devi,
Additional Government Pleader



ORDER

This writ petition has been filed challenging the impugned refusal check slip dated 02.02.2026 issued by the second respondent refusing to register the settlement deed presented by the petitioner for registration on the ground that the petitioner has not produced the original parent document.

2. The petitioner claims that she is the absolute owner of the property, which is the subject matter of the settlement deed dated 20.01.2026 presented with the second respondent for registration.

3. The petitioner has produced the certified copy of the parent sale deed standing in the name of the petitioner with the second respondent but could not produce the original parent document. A protest petition was also filed by a third party claiming that the property is mortgaged with the said third party and that the petitioner has not paid the entire mortgage dues. The third party also claims that she is in possession of the original parent document. The petitioner categorically contends that she has discharged the entire loan payable to the said third party. The protest petition filed by the third party with the second respondent has also been rejected by the second respondent.



4. As per Section 34-C of the Registration Act, 1908, which has been recently introduced in January'2026, either the original parent document or a non-traceability certificate will have to be produced by the executant at the time of presentation of any document for registration. Since the petitioner has not produced the original parent document and has also not produced the non-traceability certificate, the second respondent has refused to register the settlement deed presented by the petitioner for registration as seen from the impugned refusal check slip dated 02.02.2026. The third party, who claims to be the mortgagee of the property, had also filed a protest petition with the second respondent claiming that the said third party is in possession of the original parent document.

5. This Court, in the interest of justice, deems it fit to direct the second respondent to re-consider the matter once again after hearing the petitioner as well as the third party, who claims that a mortgage has been created in her favour in respect of the very same property, within a time frame to be fixed by this Court. Once the matter is reconsidered by the second respondent, the second respondent shall ascertain from the third party, who claims that a mortgage has been created and can also obtain the original parent document from the said third party, if the same is available with the said third party and on verification of the same, shall decide as to whether the settlement deed presented by the petitioner can be registered or not.



6. For the foregoing reasons and since the impugned refusal check slip dated 02.02.2026 is a non-speaking order with regard to the contentions of the petitioner and it is possible for the second respondent to verify from the third party, who claims that a mortgage has been created, as to whether the said third party is in possession of the original parent document or not, the impugned refusal check slip dated 02.02.2026 has to be quashed by this Court and remanded back to the very same respondent for fresh consideration on merits and in accordance with law after hearing all the necessary parties.

7. Accordingly, the impugned refusal check slip dated 02.02.2026 passed by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law. The second respondent shall issue notice to the petitioner as well as the third party, who claims that a mortgage has been created over the very same property and after hearing both the parties and after ascertaining from the third party and after verifying as to whether the original parent document is available with the said third party and if the said third party is having the original parent document, verify the same from the said third party, shall take a final decision as to whether the settlement deed presented by the petitioner can be registered or not, within a period of six (6) weeks from the date of receipt of a copy of this order. In case, the second respondent decides to refuse



registration of the settlement deed presented by the petitioner for registration, the second respondent shall pass a speaking order with regard to the petitioner's contentions and the supporting documents produced by the petitioner.

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

18-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

gm

To

1. The District Registrar,
Tiruppur District,
Tiruppur.
2. The Sub Registrar,
Avinashi Sub Registrar Office,
Avinashi,
Tiruppur District.



WEB COPY

Writ Petition No. 10398 of 2



ABDUL QUDDHOSE, J.

gm

Writ Petition No.10398 of 2026

18-03-2026