



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 10.06.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD)No.4800 OF 2014

Vijayan

..Petitioner

.vs.

1.The District Registrar,
Virudhunagar District,
Virudhunagar.

2.The Sub-Registrar,
Kariapatti Sub-Registrar Office,
Kariapatti,
Virudhunagar District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to release the petitioner's Sale Deed dated 30.03.2012 in P.No.28 of 2012 on the file of the second respondent forthwith to the petitioner after due registration as per the provisions of Registration Act and Circular issued by the Inspector General of Registration, Chennai dated 25.04.2012 vide his Letter No.18339/C1/2012.

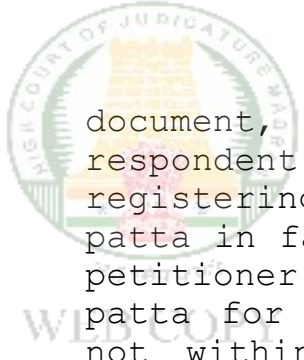
For Petitioner :Mr.T.Vadivelan

For Respondents :Mr.S.Kumar,
Addl.Govt.Pleader

ORDER

The petitioner has filed this Writ Petition for a Writ of Mandamus to direct the respondents to release the petitioner's Sale Deed, dated 30.03.2012, in P.No.28 of 2012, on the file of the second respondent forthwith to the petitioner, after due registration, as per the provisions of Registration Act and Circular issued by the Inspector General of Registration, Chennai dated 25.04.2012 vide his Letter No.18339/C1/2012.

2. The learned Counsel appearing for the petitioner submits that the petitioner has purchased the property on 30.03.2012 in S.P.No.19/5BI in Karisalkulam Village within the jurisdiction of the second respondent. He further submits that though the



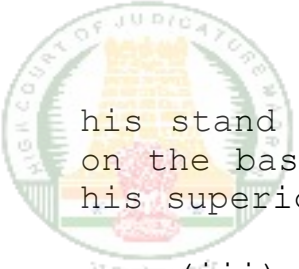
document, dated 30.03.2012, was submitted before the second respondent for registration, the second respondent, instead of registering the document, asked the petitioner to produce the patta in favour of the petitioner's vendor. It is the case of the petitioner that the respondents cannot insist the production of patta for registration of document of conveyance and that it is not within the authority of the second respondent to conduct enquiry about the title of the property in favour of the executant.

3. The submission of the petitioner cannot be countenanced in view of Section 5 of the Tamil Nadu Patta Pass Book Act, 1983. It specifically contemplates the power of Registrar to insist for production of patta in favour of the executant. The second respondent is therefore justified in requiring the petitioner to produce the patta in favour of his vendor. As admitted, the issue has been considered by this Court in the matter of **Rajambal -vs- The Inspector General (Registration) Government of Tamil Nadu, Chennai and two others**, reported in **2012 (2) CTC 289**.

4. The learned Counsel then pointed out that Section 5 of the Tamil Nadu Patta Pass Book Act, 1983, is not applicable in the present case, having regard to the fact that no notification has been issued under Section 1(3) of the Tamil Nadu Patta Pass Book Act appointing a date for enforcement of Section 5 of the Patta Pass Book Act. The learned Additional Government Pleader seeks time to verify the factual submission of the learned Counsel appearing for the petitioner as to the applicability of Section 5 of the Tamil Nadu Patta Pass Book Act, to the present case. The learned Counsel appearing for the petitioner, thereafter, submits that the matter is pending for registration from the year 2012 and that a direction may be given to the second respondent to consider his case and pass appropriate orders on merits and in accordance with law.

5. Having regard to the nature of case and pendency the document for registration from 2012, I am inclined to pass the following order:

i) The second respondent is directed to consider the registration of document on merits and in accordance with law and uninfluenced by the observations made above. In case, the second respondent is convinced that the sale deed is not fraudulent and the petitioner satisfies the second respondent as to the genuineness of the transfers, the second respondent may take a decision as to the lawful registration of the document namely sale deed dated 13.03.2012.



his stand either on the basis of a prohibition under a statute or on the basis of binding directions issued by the Government or by his superior authorities, he may do so.

(iii) Further the consideration of the petitioner's case and passing appropriate orders cannot extend beyond six weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/
Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

1.The District Registrar,
Virudhunagar District, Virudhunagar.

2.The Sub-Registrar,
Kariapatti Sub-Registrar Office,
Kariapatti, Virudhunagar District.

+1cc to M/s.T.Vadivelan, Advocate in SR.No.29549 /16
+1cc to the Special Government Pleader in SR.No.29786/16

SDR/SKS-RR/24.06.2016/3P/5C

W.P(MD)No.4800 OF 2014

10.06.2016