

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.10123 of 2017

E.Rukmani

... Petitioner

Vs.

1.The District Registrar,
Tiruppur District,
Tiruppur.

2.The Sub Registrar,
Office of the Sub Registrar,
Avinashi,
Tiruppur District.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the impugned check slip dated 12.04.2017 by the 2nd respondent for returning the Sale Deed dated 30.03.2017, to quash the same and consequently, direct the 2nd respondent to register the Sale Deed and release the document in respect of the property comprised in Survey No.102/1D situate at Rakkiapalaiyam Village, Thirumurgan Poondi Town Panchayat, Avinashi Taluk, Tiruppur District in Rukma Avenue Layout measuring an extent of 1000 sq.ft.

For Petitioner : Mr.C.Prabakaran

For Respondents: Mr.A.N.Thambidurai,
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorarified mandamus to call for the records relating to the impugned check slip dated 12.04.2017 by the 2nd respondent for returning the Sale Deed dated 30.03.2017, to quash the same and consequently, direct the 2nd respondent to register the Sale Deed and release the document in respect of the property comprised in Survey No.102/1D situate at Rakkiapalaiyam Village, Thirumurgan Poondi Town Panchayat, Avinashi Taluk, Tiruppur District in Rukma Avenue Layout measuring an extent of 1000 sq.ft.

2.By the impugned order dated 12.04.2017, the 2nd respondent returned the document presented for registration stating that the petitioner has not produced the copy of the Will and the Chitta issued in her favour.

3.The learned counsel appearing for the petitioner submitted that based on the Will dated 18.04.1996, the petitioner had got some other Sale Deed registered in her name and further, when the probate of the Will is not mandatory at Tiruppur, the 2nd respondent should have accepted the Will and registered the document.

4.Mr.A.N.Thambidurai, learned Special Government Pleader taking notice for the respondents submitted that in the event of the petitioner submitting all supportive documents, including the copy of the Will and the copy of the Chitta issued in her favour, the 2nd respondent may be directed to register the Sale Deed dated 30.03.2017, if it is otherwise in order.

5.Having regard to the submissions made by the learned counsel on either side, since the petitioner has not submitted the necessary documents before the 2nd respondent for registering the Sale Deed dated 30.03.2017, now that the learned counsel appearing for the petitioner submitted that the petitioner undertakes to produce all the necessary documents, including a copy of the Will and a copy of the Chitta before the 2nd respondent, I set aside the impugned order dated 12.04.2017 and I direct the petitioner to handover all the necessary documents, including a copy of the Will and a copy of the Chitta before the 2nd respondent within one week from the date of receipt of a copy of this order. In the event of the petitioner producing all the documents as stated above, the 2nd respondent is directed to register the Sale Deed, if it is otherwise in order and return the same to the petitioner within two weeks thereafter.

6.With these observations, the Writ Petition is allowed. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

va

To

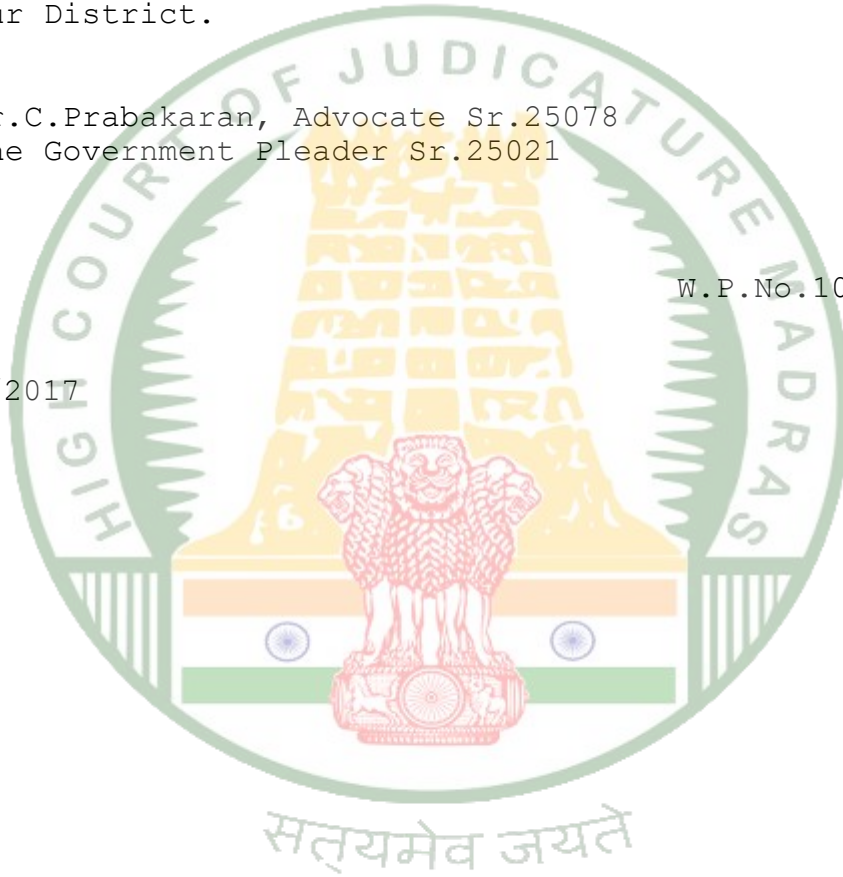
1.The District Registrar,
Tiruppur District,
Tiruppur.

2.The Sub Registrar,
Office of the Sub Registrar,
Avinashi,
Tiruppur District.

+1cc to Mr.C.Prabakaran, Advocate Sr.25078
+1cc to the Government Pleader Sr.25021

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