

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:11.01.2018

CORAM

THE HONOURABLE MR.JUSTICE RAVICHANDRABAABU

W.P.No.24639 of 2017

K.Kalyani Kupusamy

... Petitioner

vs.

1. The District Registrar (Administration),
Department of Registration,
Erode.

2. The Sub-Registrar,
Office of the Sub-Registrar,
Perundurai,
Erode District.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent to register the sale deed dated 01.06.2017 presented by the petitioner on 12.06.2017 in terms of the directions of the first respondent dated 09.06.2017 mad ein Na.Ka.No.2316/AA1/2017.

For Petitioner : Mr.G.Thilagavathy,
Senior counsel for
Mr.R.Gophinath

For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader

सहायमेव जयते
O R D E R

The petitioner seeks for a mandamus directing the second respondent to register the sale deed dated 01.06.2017 presented by the petitioner on 12.06.2017 in terms of the direction issued by the first respondent dated 09.06.2017.

2. Heard Mrs.G.Thilagavathy, learned senior counsel appearing for the petitioner and Mr.D.Suriya Narayanan, learned Additional Government Pleader appearing for the respondents.

3. The petitioner, through her Power of Attorney presented a sale deed before the 2nd respondent on 01.06.2017 for registration in respect of the property referred to in the said

sale deed. The 2nd respondent, however, returned the document without registering the same by stating that the original documents in Document Nos.954/91, 942/91, 283/92 which are all parent documents, were not produced for examination. It is stated by the petitioner that those documents were handed over to the previous power holder and the said person has not returned the same due to certain dispute between them and consequently, the petitioner has also filed a Police complaint followed by filing a Civil Suit for returning the said documents. Therefore, the petitioner seeks for registering the present Sale Deed dated 01.06.2017 without production of the original documents namely, the parent documents.

4. When the second respondent refused to register, the petitioner approached the first respondent, who in turn, passed an order on 09.06.2017 directing the second respondent to verify the copies of the parent documents available at the second respondent office itself and to proceed with in accordance with law namely, The Registration Act and the Indian Stamps Act to consider the claim of the petitioner. Even though such an order is passed, the second respondent has not registered the document and therefore, the petitioner has come forward with the present writ petition.

5. In the counter affidavit filed by the second respondent, he has categorically admitted that the first respondent has directed the second respondent to consider the copies of the documents available in the office as regards the title of the petitioner and act in accordance with the provision of Indian Stamp Act and Registration Act and in respect of other issues. However, the second respondent is not inclined to register the sale deed since there is no specific direction given by first respondent to register the sale deed without the production of the original title deeds.

6. I fail to understand as to how the second respondent is justified in interpreting the order passed by the first respondent dated 09.06.2017 in such a way that the petitioner need to produce the original title deeds inspite of the specific direction issued by the first respondent directing the second respondent to consider the copies of the parent documents available in the office as regards to the title of the petitioner. Therefore, it appears that the second respondent has misconstrued or misunderstood the order passed by the first respondent, as if the petitioner still has to produce the originals for registering the documents.

7. Therefore, considering all these aspects, this writ petition is disposed of by directing the second respondent to look into the copies of the parent documents available in his

office as regard to the title of the petitioner and thereafter, to take appropriate action in respect of the document presented by the petitioner namely, sale deed dated 01.06.2017 in accordance with the Indian Stamp Act and the Registration Act. Such exercise shall be done by the second respondent within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsi

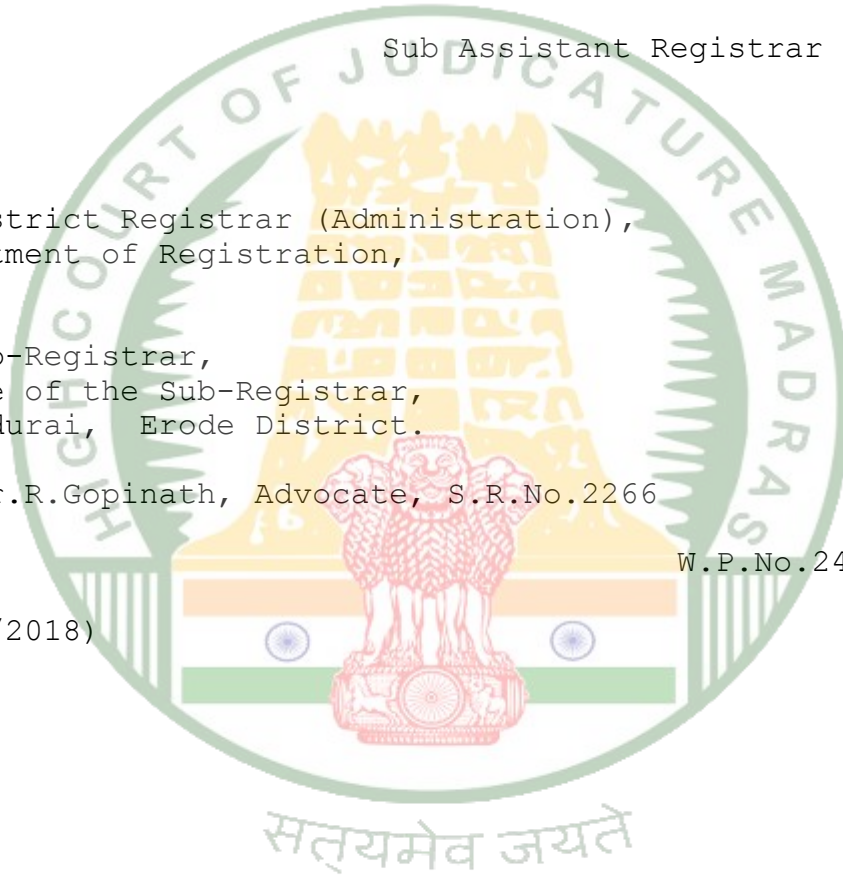
To

1. The District Registrar (Administration),
Department of Registration,
Erode.
2. The Sub-Registrar,
Office of the Sub-Registrar,
Perundurai, Erode District.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.2266

W.P.No.24639 of 2017

PVS (CO)
RRK(31/01/2018)



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