

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14856 of 2018

N.Gananathan

.. Petitioner

-vs-

The Sub Registrar  
Pallavaram  
Chennai

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to furnish a certified copy of the sale deed dated 09.09.1962 registered as Document No.1954 of 1962 in the respondent office within a stipulated time.

For Petitioner :: Mr.T.P.Prabakaran

For Respondent :: Mr.T.M.Pappiah  
Special Government Pleader

ORDER

Learned counsel for the petitioner submitted that the petitioner's mother late N.Kamalambal, W/o late N.Nataraja Pillai purchased the property comprised in House site Nos.1066 and 1068 in approved layout No.1310/73 in Survey No.115, Paimash No.30/3 situated in Madipakkam village having an extent of 9040 sq.ft., from her vendor Mr.K.B.Gopinathan under a sale deed dated 9.9.1962 registered as Document No.1954 of 1962 on the file of the Sub Registrar, Pallavaram, Chennai. Thereafter, the said N.Kamalambal executed a settlement deed on 14.2.2005 in favour of the petitioner's son G.Venkatesh bearing Document No.630/2005 registered on the file of the Sub Registrar, Velachery conveying a part of the land measuring about 3040 sq.ft. Again on 14.2.2005, the said N.Kamalambal conveyed another 3000 sq.ft., of land from the aforementioned property by another settlement deed in favour of the petitioner's brother Mr.N.Jaganathan, S/o late N.Nataraja Pillai bearing Document No.631 of 2005 registered on the file of the Sub Registrar, Velachery. Thereafter, the remaining 3000 sq.ft., of land was also sold by the said N.Kamalambal on 4.4.2005 by executing a

sale deed in favour of one Mr.N.Murthy, S/o M.Natesan registered as Document No.1552 of 2005 on the file of the Sub Registrar, Velachery. Now the grievance of the petitioner is that the original sale deed dated 9.9.1962 registered in Document No.1954 of 1962 on the file of the Sub Registrar, Pallavaram, Chennai in favour of his mother N.Kamalambal was lost by her while she was travelling in a bus. Thereafter, her Advocate issued a public notice in Dinamalar daily on 24.3.2004 inviting their attention that if the said sale deed is found, they may return the same to the party, for which a suitable reward would be given to the finder of the document. That shows that the petitioner has lost the original sale deed dated 9.9.1962 registered as Document No.1954 of 1962. Hence an application was made through his Advocate to the respondent to furnish a certified copy of the said document. But till date, no response is forthcoming. Therefore, he has been advised to come to this Court.

2. The learned Special Government Pleader for the respondent submitted that the prayer portion of the affidavit does not mention about the representation given to the respondent. However, the learned counsel for the petitioner replied that the application has been made on 30.5.2018 to the respondent and an acknowledgment was also issued by the office of the respondent on the said date. The learned Special Government Pleader also submitted that since the document sought for is an old one, the petitioner may be directed to peruse the document in the office of the respondent.

3. But this Court is unable to accept the said contention. Since the petitioner is legally entitled to get a certified copy of the sale deed dated 9.9.1962 registered as Document No.1954 of 1962, this Court hereby directs the respondent to furnish the certified copy of the aforementioned sale deed sought for by the petitioner after collecting necessary fees, within a period of one week from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ss

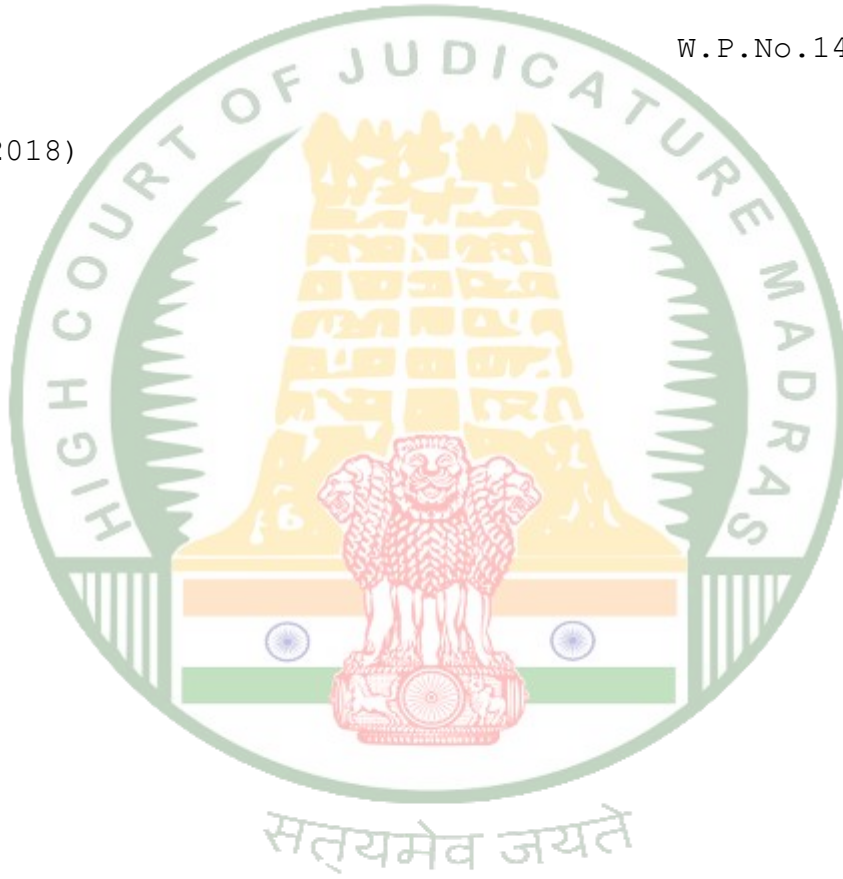
To

The Sub Registrar  
Pallavaram  
Chennai

+ 1 cc to Mr.T.P. Prabakaran, Advocate Sr.38937  
+ 1 cc to Mr. Government Pleader Sr.39591

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GJII(CO)  
EU(03/07/2018)



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