



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2018

CORAM:

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

**W.A(MD)No.1053 of 2018
and
C.M.P(MD)No.7271 of 2018**

The Joint Sub-Registrar,
No.4, Madurai South,
Madurai.

... Appellant/Respondent

Vs.

Duraibaskar

... Respondent/Writ Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order, dated 07.06.2018 made in W.P(MD)No.8499 of 2018, on the file of this Court.

Prayer in WP(MD)No. 8499 of 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned verification receipt No.4/2018 dated Nil issued by the respondent and quash the same as illegal and consequently direct the respondent to register the petitioners document which was presented on 02.04.2018.

For Appellant	: Mr.K.Chellapandian, Additional Advocate General Assisted by Mr.M.Murugan, Government Advocate
For Respondent	: Mr.D.Saravanan

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

<https://hcservices.ecourts.gov.in/hcservices/>
This Writ Appeal is directed by the Government challenging the order dated 07.06.2018 passed in W.P(MD)No.8499 of 2018 by the learned Single Judge.



2.The case of the respondent/writ petitioner in the Writ Petition was that he presented a sale deed for registration intending to convey the property comprised in S.F.No.127/1, Kodimangalam Village, Madurai and it was refused to be accepted for registration and check slip was issued by the appellant/respondent calling upon the respondent/writ petitioner to produce original parent title deeds for perusal. The said check slip was challenged before the learned Single Judge and the same was quashed. Aggrieved by the same, the present Writ Appeal has been filed.

3.The learned Additional Advocate General appearing on behalf of the appellant/respondent referred to a circular dated 25.04.2012 in letter No.1833//C1/2012, which speaks about the safeguards to be taken in the interest of the public for preventing the bogus or fraudulent registration of documents and instructions are given to the Registrars. Clause (c) of the circular also permits production of certified copy of the document, if the original document is lost.

4.The respondent/writ petitioner had stated in his affidavit that the property belonged to his maternal grandmother and she had bequeathed the property in his favour by Will dated 08.01.2009. In the affidavit, it is also stated that the grandmother of the writ petitioner got the property by way of partition and sale, but not even the dates of the said documents are mentioned in the affidavit.

5.Be that as it may, the learned counsel appearing for the respondent/writ petitioner states that he is willing to produce the certified copy of the partition deed, in and by which, the testatrix derived title, which now stand bequeathed in favour of the respondent/writ petitioner.

6.The learned Additional Advocate General appearing for the appellant/respondent also would agree that if the title deeds including partition or any sale deed are produced either in original or the certified copies, the same would be considered for the purpose of registering, if otherwise the sale deed presented is in order.

7.Recording the above, the respondent/writ petitioner is directed to obtain the certified copy of the partition deed under which the testatrix derived title or any other document available either in original or certified copy and produce before the registering authority. The appellant/registering authority is also directed to consider them and register the document presented, if



8. With the above directions, the Writ Appeal is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

WEB COPY

/True Copy/

Sub Assistant Registrar (CS-II)

To

The Joint Sub-Registrar,
No.4, Madurai South,
Madurai.

+1cc to Mr.D.Saravanan, Advocate Sr.No.78900

+1cc to Spl.Government Pleader Sr.No. 79059

PS

VB/RP/SAR2/23.08.2018/3P/4C

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