

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15170 of 2016

A.Selvam

... Petitioner

Vs

1. The Sub Registrar,
Office of Sub Registrar,
Velacheri, Chennai 600 042.
 2. The District Registrar,
Office of District Registrar South Chennai,
Saidapet,
Chennai 600 018.
 3. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Fore Shore Estate,
Chennai 600 028.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to release / return the Settlement Deed dated 07.01.2016 which bearing Number P201600001 pending on the file of the Sub Registrar, Velachery to the petitioner herein after assigning the regular document number.

For Petitioner : Mr. Manoharan Sundaram
for M/s. Adithya Reddy

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

ORDER

The Writ Petition is filed seeking for a direction to the first respondent to release or return the Settlement Deed dated 07.01.2016, bearing No. P201600001 pending on the file of the Sub Registrar, Velachery to the petitioner, after assigning the regular document number.

2. It is the case of the petitioner that his mother, A.Radha purchased a house site land, measuring an extent of 2960 sq.ft. bearing Plot No.30, Sri Balaji Nagar, comprised in Survey No.125 of Madipakkam Village, in and by virtue of Sale Deed dated 10.11.1964 from one Parthasarathy and registered as Document No.2573 of 1964. During December 2015, there were floods in that area and all the property documents were destroyed, including the above said original Sale Deed dated 10.11.1964. After the deluge, the Government of Tamil Nadu had issued a Government Order in G.O.Ms.No.120 (Commercial Taxes and Department (11), dated 07.12.2015, directing the Registering Authorities to issue a certified copy of the document to the flood affected persons, if any original documents were destroyed in the said flood. Accordingly, the petitioner's mother had applied to the Special Officer for issuance of certified copy of the lost Sale Deed dated 10.11.1964. In the Special Camp held on 22.12.2015 at St.Thomas Mount, the Special Officer acknowledged the receipt of the application for issuance of copy of the document, which is annexed to the typed book. However, it was returned by the Sub Registrar stating that the pages of the book, in which, the original document has been copied, had been damaged and hence, he is unable to issue the copy of the Sale Deed. In the meanwhile, the petitioner's mother executed a settlement Deed dated 07.01.2016 in favour of the petitioner and the same has been presented for Registration. The said Settlement Deed has not been registered and the same is kept pending on the file of the first respondent. Hence, the petitioner is before this Court.

3. Heard both sides and perused the materials available on record.

4. Admittedly, the original document could not be produced by the petitioner, the Sub Registrar has kept the settlement Deed dated 07.01.2016 pending to verify with the original document. It is easy for the Sub Registrar to verify the same, as the petitioner has already stated that the original Sale Deed, which was in his possession, was lost in the flood. However, the Sub Registrar has got no powers to retain the said document, as he has to either register it or return/reject the same.

5. In such circumstances, the Sub Registrar/the first respondent is directed to either return or register the

Settlement Deed dated 07.01.2016, bearing No.P201600001 to the petitioner, after verifying the records and if the same is in order. The said exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Sub Registrar,
Office of Sub Registrar,
Velacheri, Chennai 600 042.
2. The District Registrar,
Office of District Registrar South Chennai,
Saidapet, Chennai 600 018.
3. The Inspector General of Registration,
Office of Inspector General of Registration,
No.100, Santhome High Road,
Fore Shore Estate,
Chennai 600 028.

+1cc to M/S.Adithya Reddy, Advocate sr.15874
+1cc to the Government Pleader sr.17046

सत्यमेव जयते

W.P.No.15170 of 2016

gp[co]
srg 21/03/2019

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