



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 11232 of 2019

R.Swetha Prakkash

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai - 600 028.

2. The District Registrar,
Registration Department,
Krishnagiri District,
Krishnagiri.

3. The Sub Registrar Joint-II,
Office of the Registrar,
Krishnagiri.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to return the certified copy of the sale deed dated 20.03.1975 registered as Document No.523 of 1975 on the file of Joint II Sub Registrar, Krishnagiri with an endorsement that the said document can be treated as original for all purposes based on the representation of the Petitioner dated 02.03.2019 forthwith.

For Petitioner : Mr. C. Prabakaran

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

O R D E R

Heard Mr. C. Prabakaran, Learned Counsel for the Petitioner, Mr. T.M. Pappiah, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. According to the Petitioner, the original copy of the sale deed dated 20.03.1975 registered as Document No. 523 of 1975 on the file of the office of the Joint Sub Registrar-II, Krishnagiri, which was a title deed of the property of the Petitioner purchased by his father D. Ramani Mohan, had been



deposited as security by way of equitable mortgage in favour of Indian Bank, Krishnagiri Branch. As there had been default in the repayment of the said loan, Indian Bank had instituted the suit in O.S. No. 19 of 1993 in the Sub-Court, Krishnagiri for its recovery and the aforesaid Sale-Deed had been filed as exhibit in that suit. Later, on the establishment of the Debts Recovery Tribunal under the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, the aforesaid suit had been transferred to the Debts Recovery Tribunal at Chennai and subsequently, to Debts Recovery Tribunal-II, Chennai and finally, to the Debts Recovery Tribunal at Coimbatore on 04.07.2002. At that stage, the loan availed had been closed by way of one time settlement on 20.04.2004 and the title deeds of the property had been directed to be returned to the concerned parties. It was then found by the Registry of the Debts Recovery Tribunal-I at Chennai that though the proceedings in April 1998 of that case show that the original documents in O.S. No. 19 of 1993 had been received from the Sub-Court, Krishnagiri, it was possible that while conveying the huge number of files from the Debts Recovery Tribunal-I, Chennai to Debts Recovery Tribunal-II, Chennai and then to Debts Recovery Tribunal, Coimbatore in 2002, those documents might have been lost in transit as neither Debts Recovery Tribunal at Coimbatore had received the same nor it was available in Debts Recovery Tribunal-I, Chennai and Debts Recovery Tribunal-II, Chennai and Sub Court, Krishnagiri. In that backdrop, the Registry of Debts Recovery Tribunal-I, Chennai by letter No. 16-1/2003-04/Judl/DRT-I dated 01.02.2005 informed Indian Bank to apply for certified copy of the title-deeds pertaining to the property mortgaged to the Indian Bank at the time of availing the loan from the office of the Sub Registrar, Krishnagiri along with a copy of that letter.

3. While matters stood as narrated supra, the Petitioner by his representation dated 02.03.2019 requested the Third Respondent to issue certified copy of the Sale-Deed dated 20.03.1975 registered as Document No. 523 of 1975 on the file of the office of the Joint Sub Registrar-II, Krishnagiri with an endorsement that the same has to be treated as original document for all purposes. Complaining that there has not been any response to the same, this Writ Petition had been filed for a direction to the Respondents to return the certified copy of the sale deed dated 20.03.1975 registered as Document No. 523 of 1975 in the office of Joint Sub Registrar-II, Krishnagiri with an endorsement that the said document shall be treated as original for all purposes.

4. Learned Special Government Pleader appearing for the Respondent relying on the counter affidavit dated 20.06.2019 filed by the Third Respondent contends that there is no provision either in the Registration Act, 1908, or any other enactment for the Respondents to make an endorsement that the certified copy can be treated as original for all purposes.

Learned Counsel for the Petitioner is also not in a position to



show any legal provision enabling the Respondents to make the aforesaid endorsement as required by the Petitioner.

5. Having regard to the aforesaid submissions made, it would suffice that a certified copy of the Sale-deed dated 20.03.1975 registered as Document No. 523 of 1975 is issued to the Petitioner by the Third Respondent if an application for the same is made by him in the prescribed manner on payment of the requisite fees, and it is open to the Petitioner to produce a copy of the letter No. 16-1/2003-04/JUDL/DRT-1 dated 01.02.2005 sent by the Registry of Debts Recovery Tribunal-I Chennai to Indian Bank that the original copy of the aforesaid document is not traceable after it had been produced as exhibit in O.S. No. 19 of 1993 before the Sub Court, Krishnagiri, whenever required.

6. The Writ Petition is disposed on the aforesaid terms. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

maya/vjt

To

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai - 600 028.
2. The District Registrar,
Registration Department,
Krishnagiri District,
Krishnagiri.
3. The Sub Registrar Joint-II,
Office of the Registrar,
Krishnagiri.

+1cc to Mr.C. Prabakaran, Advocate SR.No.67374

+1cc to Government Pleader SR.No.68085

W.P. No. 11232 of 2019

VD(CO)
GMY(09/01/2020)