

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.19075 of 2019

V.Suresh

.. Petitioner

/versus/

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

2.The Deputy Inspector General of Registration,
Guindy Industrial Estate,
Chennai - 32.

3.The Sub Registrar,
Pammal,
Chennai - 75.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the sale deed dated 17.05.2019 bearing Temporary Registration No.TP-63925314/2019, Document No.P/Pammal/135/2019.

For Petitioner :Mr.N.Suresh

For Respondents :Mr.M.Thamizharasan,
Government Advocate

O R D E R

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.N.Suresh, learned counsel appearing for the petitioner and Mr.M.Thamizharasan, learned Government Advocate, who takes notice on behalf of the respondents.

3. The prayer in the writ petition is to issue a Writ of Mandamus directing the respondents to release the sale deed dated 17.05.2019 bearing Temporary Registration No.TP-63925314/2019, Document No.P/Pammal/135/2019.

4. The petitioner herein, presented a sale deed for registration on 17.05.2019, without original parent documents, but accompanied by a police complaint and Non-Traceable Certificate. The 3rd respondent has received the document for registration and kept pending for scrutiny of the records. Since the document was not returned after registration to the consecutive purchaser, the petitioner herein, the present writ petition is filed to issue a mandamus directing the respondent to release the sale deed dated 17.05.2019, bearing Temporary Registration No.TP-63925314/2019, Document No.P/Pammal/135/2019.

5. In the counter, the 3rd respondent has narrated the reason for retaining the documents. The said averment is extracted below:

"5. It is submitted that a deed of sale dated 17.05.2019 executed by petitioner in favour of one B.Narayanarao conveying the said property was presented for registration on 20.05.2019 when the document was examined. It was noticed that the petitioner has declared in page No.5 that the original and copy of deed relation to the subject property has been handover to the purchaser. But the petitioner of the also annexed the copy of missing certificate issued by the Inspector of Police. Avadi certifying the original sale deed bearing No.4979/2010 is missing when the petitioner and the purchaser were asked to explain the contradiction, they were not able to give any reply. Hence, the said sale deed dated 17.05.2019 was kept pending as No.P135/2019 to examine further. In the meanwhile, one Rosy Naidu the ex-agent of petitioner has presented a petition dated 08.07.2019 where he has stated that the original sale deed in No.4979/2010 of the petitioner is with him and the petitioner has made a false complaint to the Inspector of Police, Avadi. The said Rosi Naidu, has also produced the original sale deed in No.4979/2010 for verification and the 3rd respondent the satisfied that the original document in No.4979/2010 is available with the ex-agent of the petitioner. The petitioner might have knowingly or unknowingly made a complaint to the Inspector of Police, Avadi, and he has issued a certificate that the original document 4979/2010 is missing. Under these circumstances, the act of the petitioner in filing a compliant of missing document amounts to intentionally made false statement as per Section 82 (a) of the Registration Act is under consideration whether the said act of the petitioner with amount

to intentionally making of false statement or not will be enquired and decision will be made in accordance with law."

6. From the counter, it had come to light that the 3rd respondent is contemplating enquiry and therefore, the documents had not been released and it is not for under valuation. Therefore, this writ petition is dismissed with liberty to the petitioner to participate in the enquiry contemplated and proceed in accordance with law. The 3rd respondent shall complete the enquiry proceedings within a period of six weeks from the date of receipt of copy of this order.

7. Accordingly, this Writ Petition is dismissed. No costs.

ari

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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

2.The Deputy Inspector General of Registration,
Guindy Industrial Estate,
Chennai - 32.

3.The Sub Registrar,
Pammal, Chennai - 75.

+1cc to Mr.N.Suresh, Advocate, SR.No.87083
+1cc to the Govt.Pleader, Vide Sr.No.81564

W.P.No.19075 of 2019

Kak(22/10/2019)