

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2019

CORAM

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

W.P. No. 21339 of 2019

S. Pappathi @ Pappayi

... Petitioner

Vs.

The Sub Registrar
Erumappati
Namakkal District.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip dated 12.06.2019 issued by the respondent and quash the same and further directing the respondent to register the petitioner's document which was presented on 12.06.2019.

For Petitioner : Mr. I. Abrar Md Abdullah

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

O R D E R

Mr. T.M. Pappiah, Learned Special Government Pleader takes notice for the Respondent.

2. The grievance sought to be ventilated by the Petitioner in this Writ Petition is that when she presented a settlement deed executed by her in favour of her son before the Respondent, who is the Registering Authority under the Registration Act, 1908, the original parent documents have been insisted. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the check slip dated 12.06.2019 issued by the Respondent requiring the Petitioner to produce the original parent documents on the ground that there is no such requirement under any of the provisions of the Registration Act, 1908.

3. The Learned Special Government Pleader appearing for the Respondent, on instructions, submits that it would suffice to

register the document if certified copies of the parent title deeds are produced along with an affidavit from the Petitioner explaining where the parent documents of title are available and if the same have been lost, to also produce a certificate from the police officer of the jurisdictional Police Station reporting their loss or non-traceability along with publication made in a widely circulated newspaper about such loss of the documents.

4. The aforesaid submissions made on behalf of the Respondent, deserves acceptance. Learned Counsel for the Petitioner submits that the Petitioner would present the documents for registration complying with the aforesaid requirements.

5. The Writ Petition is disposed on the aforesaid terms. It is needless to add here that if the Petitioner is still aggrieved, it is certainly open to her to pursue appropriate remedy for the same in the manner recognized by law. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

may
To

The Sub Registrar
Erumpatti
Namakkal District.

+lcc to Mr.I.Abrar MD Abdullah, Advocate SR.62175
+lcc to The Government Pleader in SR.63382

SS(CO)
CB(01/10/2019)

W.P. No. 21339 of 2019

WEB COPY