



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.30664 of 2019

V.Vetrivel,
S/o.Vijayanarayanan,
No.174/2, East Street,
Chinnapettai Village, Thiruthuraiyur Post,
Panruti Taluk, Cuddalore District.

... Petitioner

/versus/

1. The Sub Registrar,
Office of the Sub-Registrar,
Pudupettai & Post,
Panruti Taluk, Cuddalore District.

2. The District Registrar,
Office of the District Registrar,
Thiruppapuliyur,
Cuddalore - 2.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, directing the respondents to register the petitioner properties sale deed, as per patta No.344 without asking original registered settlement deed in Survey No.11/1, 0-25.00 in Ares and in Survey No.9/2C, 1-29.00 Ares, so total 1-54.00 Ares in Varinjipakkam Village, Pudupettai, Sub-Registrar, Cuddalore Register District.

For Petitioner : Mrs.D.Kalaiselvi,

For R1 & R2 : Mr.T.M.Pappiah,
Special Government Pleader

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O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Special Government Pleader for the 1st and 2nd Respondents.

2. The case of the petitioner is that, she want to sell the property, which was settled in her favour by her

maternal grand father Kaliyavaratha Gounder. At present the patta stands in her name. She and her brother are enjoying the house separately. The Settlement deed was stolen away by her brother Vijayamurugan. In this connection, she has given a complaint to the Police on 13.02.2019. While so, when she attempted to register the sale deed, the Registration Department seeks for original settlement deed which is presently in possession of his brother, who is not ready to handover the original deed. Hence, the present Writ Petition is filed to direct the respondents to register the sale deed as per the patta without demanding the original Sale deed.

3. The learned Special Government Pleader for the respondents 1 and 2 would submit that, the petitioner without parent document cannot register the property, as per the circular of the I.G of Registration. If the parent document is not available with her, she should get Non-Traceable Certificate from the Police and an affidavit to that effect. After complying all the formalities, she can present the document for Registration. In alternate the certified copies of the settlement deed along with the reason for not producing the original parent document should be furnished by the petitioner, along with the document to be registered. If the Sub-Registrar, satisfies with the reason assigned by them, the document will be accepted for registration.

4. In this case, the parent document is not in possession of the petitioner and she alleges that her brother has taken away the original document. In such circumstances, she can get certified copy of the settlement deed and produce before the Sub-Registrar, along with the document to be registered. She, by way of an affidavit, can explain the reason for not producing the original settlement deed. On receipt of the affidavit and certified copy, the Sub-Registrar, shall scrutinise the document presented and if it is in order, same shall be registered, after collecting necessary fees.

5. With the above observation, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

bsm
To,

1. The Sub Registrar,
Office of the Sub-Registrar,
Pudupettai & Post,
Panruti Taluk, Cuddalore District.

2. The District Registrar,
Office of the District Registrar,
Thiruppapuliur,
Cuddalore - 2.

+1cc to M/s.L.Kannan, Advocate SR.98509
+1cc to the Government Pleader SR.98918

W.P.No.30664 of 2019

BR(CO)
CB(13/01/2020)



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