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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) Nos.18336 and 18340 of 2018

T.Saravanakumar

... Petitioner in both W.Ps

Vs

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

2.The Sub-Registrar,
Mannachanallur Sub-Registration Office,
Mannachanallur,
Trichy.

... Respondents in both W.Ps

PRAYER W.P. (MD) No.18336 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in RFL/MANNACHANALLUR/5/2018 and quash the same and consequently direct the 2nd respondent to register the sale deed in TP/34826122/2018 within the stipulated time that may be fixed by this Court.

PRAYER W.P. (MD) No.18340 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in RFL/MANNACHANALLUR/4/2018 and quash the same and consequently direct the 2nd respondent to register the sale deed in TP/34823204/2018 within the stipulated time that may be fixed by this Court.

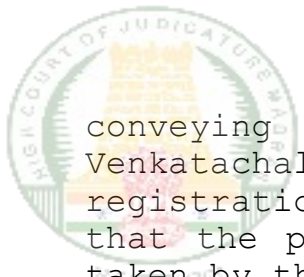
(In both W.Ps.)

For Petitioner : Mr.S.Vinod Sathya Lazar
For Respondents : Mr.M.Murugan
Government Advocate

COMMON ORDER

Heard the learned counsel on either side.

2.The writ petitioner along with his brother Prabakaran and mother Gnanambal purchased the property in Survey Nos.17/1 and 16/2, Mannachanallur Taluk, Trichy District vide registered sale deed bearing Document No.6302/2010, registered on the file of the second respondent. The petitioner is having 1/3rd share in the said property. The petitioner executed a sale deed dated 02.08.2018,



conveying the undivided 1/3rd share in favour of Parthiban and Venkatachalam. When the said document was presented for registration, the second respondent returned the same on the ground that the parent document was not produced. Questioning the stand taken by the second respondent, this writ petition has been filed.

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3. When the matter was taken up for hearing, the learned counsel appearing for the writ petitioner submitted that the original document is lying with his brother Prabakaran and that due to difference of opinion between them, the petitioner is unable to produce the original document for scanning purpose. This Court called upon the writ petitioner to show his *bono fide* by lodging a complaint against his brother and mother.

4. Today when the matter was taken for hearing, the petitioner filed additional typed set of papers, which indicates that the petitioner has given a police complaint against his brother and also issued legal notice dated 03.04.2019 calling upon his brother and mother to produce the original sale deed bearing Document No.6302/2010 for the purpose of scanning. The petitioner's request has not been complied with.

5. This Court is satisfied that the petitioner is unable to produce the original document for the reasons set out *supra*. The petitioner cannot be called upon to perform an impossible act. Therefore taking the facts and circumstances obtaining in this case, the respondent is directed to register the petition mentioned sale deed after obtaining a letter of indemnity from the writ petitioner. The writ petitioner shall also produce the certified copy of the said sale deed. It is open to the second respondent to issue notice to the other interested parties before effecting the registration.

6. Subject to the direction set out above, the writ petitions stand allowed. No costs.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar (CS)

ias

To:

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



2.The Sub-Registrar,
Mannachanallur Sub-Registration Office,
Mannachanallur,
Trichy.

+1 CC to M/s.S.VINOD SATHYA LAZAR, Advocate
(SR-61852[F] dated 23/04/2019)

+1 CC to M/s.SPL GP (SR-62717[F] dated 25/04/2019)

W.P. (MD) Nos.18336 and 18340 of 2018

ES/13.05.2019/3P/5C