

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

Date : 27.08.2020

THE HONURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11556 of 2020 & WMP No. 14144 of 2020

S.Rathna Devi, W/o.Sureshkumar

... Petitioner

vs.

1. The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai - 600 004.

2. The District Registrar,
Court Road, Kumbakonam - 612 001.

3. The Sub Registrar No.1,
Court Road, Kumbakonam - 612 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus forbearing the 1st respondent herein from insisting upon the production of original deeds of sale dated 31.03.1997 and registered as Document Nos.871 and 872 of 1997 in the Office of the SRO, Kumbakonam as per the circular issued by the 1st respondent bearing reference No.25600/C1/2018 dated 07/06/2018 at the time of registration of the deed/deeds of settlement by the petitioner in favour of her son before the 3rd respondent.

For Petitioner : Mr.V.Nandakumar

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

ORDER

This writ petition is filed for issue of Writ of Mandamus directing the respondents not to insist for original title documents and to direct the respondents to register the settlement deed presented by the petitioner.

2. The case of the petitioner is that she is the absolute owner of the subject property by virtue of registered sale deed dated 31.03.1997. The further case of the petitioner is that the revenue records also stands in her name. It is seen from the records that the father of the

petitioner had filed a suit in O.S.No.7 of 2004 on the file of the District Court Tanjavore and the petitioner was cited as the fourth defendant in the suit. According to the petitioner, the original title deeds were marked as documents at the time of trial as Ex.B.23 and Ex.B.24. Ultimately the suit came to be dismissed by a judgment and decree dated 08.10.2013. Aggrieved by the same, an appeal has been filed before this Court [Madurai Bench] in A.S.No.151 of 2014.

3. The petitioner wanted to settle the property in favour of her son and she wanted to execute a settlement deed. When the same was presented for registration before the third respondent, the third respondent refused to register the document on the ground that the petitioner must produce the original title deeds. The petitioner explained to the third respondent that the original title deeds were marked as documents in the Court at the time of trial and therefore, the original documents cannot be produced by the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner had submitted before the third respondent the certified copy of title deeds both from the registration office as well as from the trial Court and in spite of the same, the third respondent is insisting for furnishing all the original documents. Aggrieved over the same, the present writ petitions have been filed.

5. Heard Mr.Nandakumar, learned counsel appearing on behalf of the petitioner and Mr.T.M.Pappaiah, Government Pleader appearing on behalf of the respondents.

6. Taking into consideration the facts and circumstances of the case and also the fact that the petitioner had already submitted certified copies of the title deeds, there shall be a direction to the third respondent to register the settlement deed submitted by the petitioner, if it is otherwise in order. It goes without saying that the petitioner shall pay necessary stamp duty and the registration fee at the time of presenting the documents and upon registration, the documents shall be immediately released to the petitioner.

7. This Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

vrc

To

1.The Inspector General of Registration,
Santhome High Road, Mylapore,
Chennai - 600 004.

2.The District Registrar,
Court Road, Kumbakonam - 612 001.

3.The Sub Registrar No.1,
Court Road, Kumbakonam - 612 001.

+1cc to the Government Pleader SR.28331

W.P.No.11556 of 2020

SVI (CO)
CB(10/09/2020)