

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.12741 of 2020

Padmavathy Vaidyanathan

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

2.The Sub-Registrar,
Theyagaraya Nagar,
Chennai 600 017.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, to direct the respondents to register the Settlement Deed executed by petitioner in favour of petitioner's father in respect of the Schedule mentioned property without insisting upon production of original Sale Deed in favour of the petitioner.

SCHEDULE -A

All the piece and parcel of land bearing Old Door No.12, Present No.4, Singaramudali Street, Thyagaraya Nagar, Madras, in the Registration Sub-District of Thyagarayanagar, bounded on the

North by :Singara Mudali Street
East by :Premises No.3
South by :Premises No.23 Sambasivam Street and
West by :Premises No.5

within these boundaries the property bearing Plot No.47, Old Survey No.84 and 88/2, parts present T.S.No.5043, Block No.117 of Thyagarayanagar, measuring 3 grounds and 640 sq.ft.

SCHEDULE -B

An undivided 855/11750 share in the land described in Schedule 'A' and

An undivided 155/11750 share in the land described in Schedule 'A'.

SCHEDULE -C

Flat No.7 extent of about 1010 sq.ft. (including the open terrace) pinth area in the first floor .

For Petitioner : Mr.K.Rajesh

For Respondents: Mr.T.M.Pappiah,
Special Government Pleader.

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent to register the settlement deeds executed by the petitioner in favour of her father and to release the documents to the petitioner.

2.The case of the petitioner is that the subject property is owned by the petitioner by virtue of two registered sale deeds dated 22.05.1992. The petitioner wanted to settle this property in favour of her father. When the documents was presented for registration, the respondent had insisted for the production of the original title deeds. According to the petitioner, she is not in possession of the original title deeds since it is not traceable. Aggrieved by the non-registration of the documents by the second respondent, the present petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.T.M.Pappaiah, learned Special Government Pleader, appearing on behalf of the respondents.

4.Taking into consideration the facts and circumstances of the case and the settled law on the issue involved in the present writ petition, there shall be a direction to the petitioner to present the settlement deeds for registration before the second respondent along with a certified copy of the title documents and also an affidavit to the effect that the original documents are not traceable. On receipt of the same, the second respondent shall register the settlement deed, if it is otherwise in order, subject to the petitioner paying the necessary stamp duty and registration fee.

5.The Writ Petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai 600 028.

2.The Sub-Registrar,
Theyagaraya Nagar,
Chennai 600 017.

3.The Public Prosecutor,
High Court, Madras.

+1cc to the Government Pleader Sr.30390

+1cc to Mr.K.Rajesh, Advocate Sr.29994

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srg 19/10/2020