

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.19133 of 2020

A.Beulah Ramani Geetha @ R.G.Beula

...Petitioner

vs.

The Sub-Register,
Office of the Sub-Registration,
Selaiyur,
Chengelpattu District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to allow the petitioner to execute and register the settlement deed in respect of property of land measuring to an extent of 21 cents out of 47 cents comprised in survey number 106/5 situated at Perumbakkam Village Saidapet Taluk Now Sholinganallur Taluk, Chengalpet District within the Registration District of South Chennai, on the file of Sub Registrar Selaiyur without insisting the Original parent document and ignore the fraudulent entries in the encumbrance certificate in respect of the property.

For Petitioner : Mr.T.Rajarathinam

For Respondent : 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 respondent to register the settlement deed submitted by the petitioner within the time frame fixed by this court.

2.The case of the petitioner is that she is the absolute owner of the subject property by virtue of a registered sale deed dated 03.02.1997. It is claimed by the petitioner that she is in absolute possession and enjoyment of the property. It is stated that the petitioner, who was working in the Middle East, handed over the original title deeds to her sister. The sister

of the petitioner had borrowed money from one Kalai Selvan and handed over the title deeds belonging to the petitioner as security. It is the specific case of the petitioner that in spite of repayment of the amount, the title deeds were not handed over and the petitioner was totally unaware about the said dealings between her sister and the said Kalai Selvan. The petitioner thereafter, while causing a search by applying for Encumbrance Certificate, found that several documents have been registered by persons who have impersonated and according to the petitioner, a fraudulent document came to be registered on the file of the respondent. The petitioner gave a police complaint in this regard and a FIR has been registered in Crime No.17/2017 as against ten persons.

3.It is seen from records that a quash petition filed before this Court in CrI.OP.No.7980 of 2017 by some of the accused persons, was also dismissed on 21.08.2018.

4.The petitioner wanted to execute a settlement deed in favour of her husband. When the document was presented for registration before the respondent, the respondent refused to register the document on the ground that the original title document has not been submitted and that, there are encumbrances, which are reflected in the Encumbrance Certificate. Aggrieved by the same, the present writ petition has been filed before this Court seeking for appropriate direction.

5.Heard Mr.T.Rajaratnam, learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondent.

6.Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner has made a specific allegation that there is impersonation and fraudulent documents have been created by making use of the original title deed of the petitioner, there shall be a direction to the respondent to receive the settlement deed from the petitioner and register the same, if it is otherwise in order. The petitioner shall also file a sworn affidavit along with the settlement deed and explain the circumstances under which the original title deed is not able to be presented at the time of registration. It goes without saying that the petitioner shall also pay the necessary stamp duty and registration fees. The document shall be registered and thereafter handed over to the petitioner. The petitioner shall make a representation to the respondent in this regard along with a copy of this order.

7.This writ petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rk

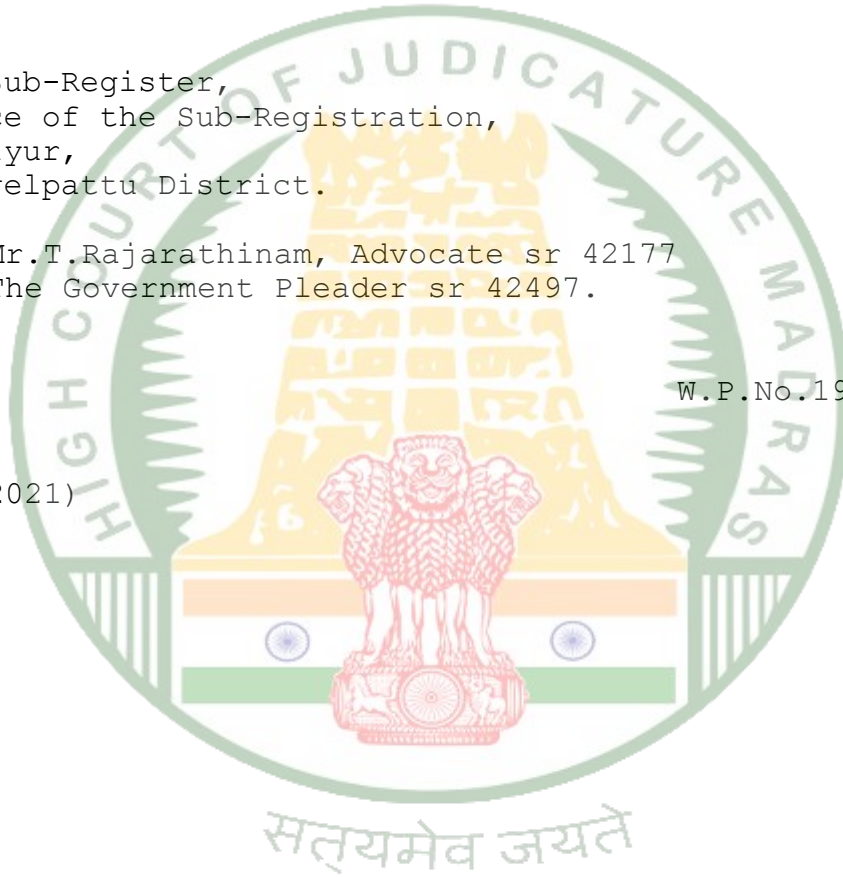
To

The Sub-Register,
Office of the Sub-Registration,
Selaiyur,
Chengelpattu District.

+3 CC to Mr.T.Rajarathinam, Advocate sr 42177
+1 CC to The Government Pleader sr 42497.

W.P.No.19133 of 2020

BR(CO)
SP(29/01/2021)



WEB COPY