

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2020

CORAM :

THE HON'BLE MR.AMRESHWAR PRATAP SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4239 of 2019

V.Suresh

.. Appellant

vs.

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

2.The Deputy Inspector General of Registration,
Guindy Industrial Estate
Chennai-2.

3.The Sub Registrar,
Pammal,
Chennai - 75.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 19.09.2019 passed by the learned Single Judge in W.P.No.19075 of 2019.

W.P.No.19075 of 2019:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release the sale deed dated 17.05.2019 bearing Temporary Registration No.TP-63925314/2019, Document No.P/Pammal /135/2019.

For Appellant : Mr.N.Suresh

For Respondents : Mr.T.M.Pappiah
Spl. G.P. (Regn.)

JUDGMENT
(Delivered by The Hon'ble Chief Justice)

Heard learned counsel for the parties.

2. In short, the case of the appellant is that he had acquired the property through a sale deed dated 23.9.2010, which bears Document No.4979 of 2010. The appellant has filed a missing report about the said document. One Rosy Naidu was holding a power of attorney from the appellant. The said original document was required for the purpose of verification, when the appellant proceeded to execute a sale deed in favour of one B.Narayanarao on 17.05.2019. There was a missing certificate issued in favour of the appellant by the Inspector of Police dated 27.12.2018. However, the said missing document, which is the original document dated 23.09.2010, was produced by the power of attorney holder Rosy Naidu, which fact is admitted in paragraph 5 of the counter-affidavit filed by the third respondent before the learned Single Judge. It is also stated therein that the appellant may have knowingly or unknowingly made a complaint about the missing of the said document and therefore in these circumstances, an enquiry was being conducted as to whether the appellant has deliberately made a false statement or not.

3. The appellant has filed the writ petition for mandamus directing the third respondent Sub-Registrar to register the sale deed dated 17.05.2019, as the same was held up on account of an enquiry which is related to the incident aforesaid.

4. Learned counsel for the State contends that such an enquiry was necessary and according to the relevant Government Orders, verification of the original title of the vendor is required to ascertain as to how he came into possession and ownership of the property. It is in these circumstances that the original sale deed was required and if the competent authority is satisfied about the genuineness or otherwise thereof, the deed would be registered in accordance with the provisions of the Indian Registration Act, 1908. He, however, submits that it is only to complete the said enquiry on account of the circumstances of tendering of the missing certificate that the matter has been held up at the stage of registration and the appellant is required to co-operate in the same.

5. In the background aforesaid, we find that the learned Single Judge has already made it available to the appellant to appear and give his version in the enquiry. We find no error with the said liberty given to the appellant, but at the same time, instead of dismissing the writ petition, we would modify

the impugned judgment with a direction to the competent authority to proceed and to pass an appropriate order within a period of fifteen days or otherwise register the sale deed in accordance with the provisions of the Act in the background aforesaid.

6. The appeal stands disposed of with the said observation.
No costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The Deputy Inspector General of Registration,
Guindy Industrial Estate
Chennai-2.
3. The Sub Registrar,
Pammal,
Chennai - 75.

+1 CC to Mr. N. Suresh, Advocate sr 14642.

+1 CC to Govt. Pleader sr 15150.

W.A.No.4239 of 2019

VGII (CO)
SP(10/03/2020)

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