

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.Nos.34380 & 34382 of 2019

P.Sugamkumar Petitioner in
W.P.No.34380 of 2019

P.Sureshkumar Petitioner in
W.P.No.34382 of 2019

-Vs-

The Sub Registrar,
Thirukazhukudram,
Chengalpet District.Respondent in both W.Ps.

Prayer in both W.Ps.: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the respondent herein dated 27.11.2019 and quash the same consequently direct the respondent herein to register the release deed dated 27.11.2019 submitted by the petitioner in accordance the provisions of the Indian Registration Act and the Rules made there under. सत्यमेव जयते

For Petitioner in : Mr.S.Thirumavalavan
both W.Ps.

For Respondent in : Mr.T.M.Pappiah
both W.Ps. Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the refusal of the respondent to register the release deed that was submitted by the petitioner.

2. The case of the petitioner is that his grand father was the owner of the property by virtue of registered sale deeds which were executed in the year 1961 and 1967 in Document Nos.2998/1961 and 2310/1967. The further case of the petitioner is that his grand father executed a registered Will in favour of the petitioner thereby bequeathing a portion of the property in favour of the petitioner. The petitioner therefore is claiming title to the petitioner by virtue of the Will executed by his grand father in the year 1999.

3. The petitioner wanted to release 50% of the undivided share in the property in favour of his brother and therefore he applied for an on-line registration and also paid the necessary charges. The release deed was not registered by the respondent on a ground that the original documents are not available. Aggrieved by the same the present writ petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the grand father of the petitioner had bequeathed properties both to the petitioner as well as his paternal uncle and that the original Will is now with the paternal uncle. The learned counsel submitted that there is a strained relationship between the petitioner and his paternal uncle and therefore he is not in a position to get the original Will from his paternal uncle. The learned counsel submitted that pursuant to the query posed by this Court with regard to the title documents of his grand father, the title documents of the year 1961 and 1967 were placed before this Court. The learned counsel therefore submitted that the respondent can be directed to register the document based on the certified copy of the Will and also after taking into consideration the title documents of the grand father of the petitioner.

5. Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondent submitted that the petitioner can be directed to submit the title documents of his grand father and the petitioner can also be further directed to file an affidavit before the respondent giving reasons as to why the original Will is not able to be produced before the respondent. The learned Special Government Pleader submitted that the same will be considered and if the document is in order, the same will be also registered. Taking into consideration the facts and circumstances of the case there shall be a direction to the petitioner to submit the release deed once again for registration before the respondent along with a certified copy of the Will and the tile deeds of the grand father of the petitioner and also an affidavit giving reasons as to why the original Will cannot be produced. The

respondent on receipt of the same shall proceed further to register the document in accordance with law.

6. These Writ Petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rsi

To

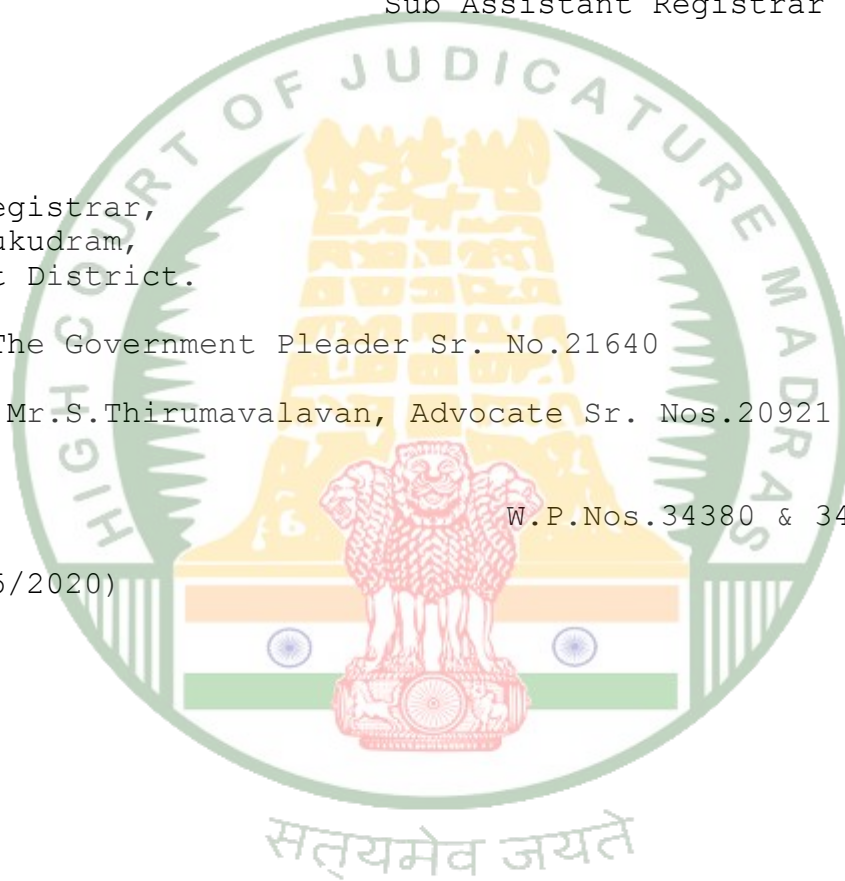
The Sub Registrar,
Thirukazhukudram,
Chengalpet District.

+1 CC to The Government Pleader Sr. No.21640

+2 CCs to Mr.S.Thirumavalavan, Advocate Sr. Nos.20921 & 20922

W.P.Nos.34380 & 34382 of 2019

RJI (CO)
RPP (21/05/2020)



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