

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.764 of 2021

&WMP.No.813 of 2021

K.S.V.Rajarajeswari ...Petitioner

-Vs-

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road, Chennai - 600 028.
- 2.The District Registrar,
(Cadre of Assistant Inspector General
of Registration),
Erode District, Erode.
- 3.The Sub Registrar,
Bhavani, Erode District. ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of reply from the file of the 2nd respondent in Na.Ka.No.4310Aa1/2020 dated 31.10.2020 and the records of refusal order from the file of the 3rd respondent in refusal Number: RFL/Bhavani/17/2020 dated 19.11.2020 and quash the same and further direct the 3rd respondent to receive and register the sale deed dated 14.10.2020 presented by the power agent of the petitioner and to grant such other further relief.

For Petitioner : Mr.C.Kulanthaivel

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

ORDER

The grievance of the petitioner is that she executed a power of attorney document in favour of her husband and wanted

to have it registered as concerning a property which she obtained under a Partition Deed. The said document was not registered by the third respondent and has now required the petitioner to produce the original Partition Deed.

2.The learned counsel for the petitioner states that the original Partition Deed is with her brother, who is another party to the Partition Deed and that there is some difference of opinion between them. In these circumstances, the petitioner has approached this Court with this Writ Petition challenging the order of the second respondent dated 31.10.2020 and the order of the third respondent dated 19.11.2020.

3.Mr.T.M.Pappiah, learned Special Government Pleader submitted that these days the Registration Department scans every document that is presented for registration along with the supporting documents to prevent any possible fraud on registration. He further added on instructions that if the petitioner can file a certified copy of the said Partition Deed along with necessary affidavit to that effect, the Registering Authority would be ready to do the needful.

4.What is submitted by the learned Special Government Pleader is an attempt to balance the extremes. While, the Registering Authority do not have the power to investigate title still, the stature cast a duty on them to prosecute for playing foul of the Registering Act and therefore, the Registering Authority appears to go cautious about his act. Hence, he is seen requiring the petitioner to produce the original documents. His intention aims to avert a fraud, and not to harass the citizen.

5.Mr.C.Kulanthaivel, the learned counsel for the petitioner submitted that the petitioner would produce the certified copy of the said Partition Deed along with necessary affidavit within a period of 30 days from today (19.01.2021),..

6.Wherein after, the third respondent would apply his mind to the said affidavit and the materials produced before him and discharge his duty in accordance with law within a period of 15 days thereafter.

7.The Writ Petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

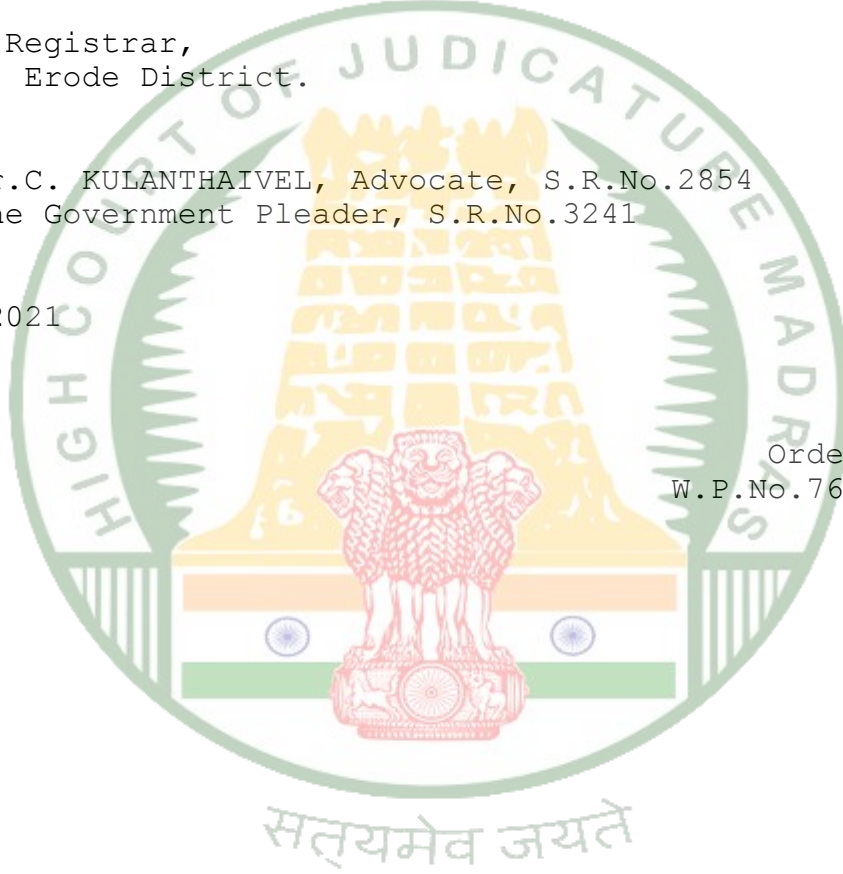
To

- 1.The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The District Registrar,
(Cadre of Assistant Inspector General
of Registration),
Erode District, Erode.
- 3.The Sub Registrar,
Bhavani, Erode District.

+lcc to Mr.C. KULANTHAIVEL, Advocate, S.R.No.2854
+lcc to the Government Pleader, S.R.No.3241

AJS (CO)
SM/12/01/2021

Order made in
W.P.No.764 of 2021



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