



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.16307 of 2012 and
MP.No.1 of 2012

P.Kamala

... Petitioner

-Vs-

The Sub-Registrar,
SRO, Joint-II,
Saidapet, Chennai-15

... Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondent to receive and entertain the Settlement Deed dated 25.06.2012 which was executed by the petitioner herein and register the settlement deed and release the same after allotting a regular document number in favour of the petitioner.

For petitioner : Mr.V.Kirubalani

For Respondent : Mr.Richardson Wilson,
Government Advocate

ORDER

The Writ Petition has been filed to issue a writ of mandamus directing the respondent to receive and entertain the Settlement Deed dated 25.06.2012 which was executed by the petitioner herein and register the settlement deed and release the same after allotting a regular document number in favour of the petitioner.

2. The case of the petitioner is that the petitioner and her husband jointly purchased the property comprised in S.No.2B1 A1 in TS.No.38, Block No.31, Door No.54, KP.Koil Street measuring an extent of 1/3 undivided of land out of 1081.5 sq.ft. by the registered sale deed dated 28.01.2002 vide document No.122 of 2002. Subsequently, they entered into agreement for construction a portion of 600 sq.ft. and residing there. On 07.04.2012, her husband died and she is living there with her legal heirs. Thereafter, the petitioner decided to



execute settlement deed in favour of one of her sons. However, the original sale deed is under possession of another son. Therefore, she was not able to produce the original sale deed while presenting sale deed for registration. Therefore, for non production of the parent sale deed, the respondent returned the settlement deed which was presented for registration.

3. The learned Government Advocate submitted that the Inspector General of Registration issued circular dated 25.04.2012 stating that if a person is not able to produce the parent document, after issuance of public notice and complaint before the jurisdictional police station concerned, he shall produce patta and the original property tax receipt for the said property for registration of the deed.

4. Considering the said circular issued by the Inspector General of Registration, the petitioner is directed to lodge complaint and issue public notice and thereafter produce the non traceable certificate, if any, along with the patta and the original property tax receipt before the respondent to register the settlement deed dated 25.06.2012.

5. With the above directions, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Sub-Registrar,
SRO, Joint-II,
Saidapet, Chennai-15.

+1cc to Mr.S.Senthilnathan, Advocate Sr.47118
+1cc to the Government Pleader Sr.47550

W.P.No.16307 of 2012

ksm[co]
srg 07/10/2021