

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2021

C O R A M

THE HON'BLE Mr.JUSTICE R.SURESH KUMAR

Writ Petition No.11366 of 2021

K.S.Usman & Syed Usman

... Petitioner

Vs

1. The Inspector General of Registration
Santhome High Road
Mylapore
Chennai 4.

2. The Joint Sub-Registrar - II
Sub-Registrar Office
Dharmapuri

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the second respondent to register the settlement deed dated 22.04.2021 RFL/Joint Sub-Registrar - II/Dharmapuri/24/2021 dated 23.04.2021 and return the same to the petitioner.

For petitioner

... Mr.M.Selvam

For respondents

... Mr.T.N.Pappiah

Special Government Pleader

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the second respondent to register the settlement deed dated 22.04.2021 RFL/Joint Sub-Registrar - II/Dharmapuri/24/2021 dated 23.04.2021 and return the same to the petitioner.

2. The petitioner submitted a document of settlement deed for registration to the second respondent which was returned on 23.04.2021 by the second respondent stating the reason that, the earlier original document has not been filed and if the same is lost, as claimed by the petitioner, in order to establish the

fact, the CSR number, having given the complaint to the Police Station and a Non-traceable certificate to that effect shall be filed, without which the document in question cannot be registered, therefore, accordingly, it was rejected.

3. However, it is the case of the petitioner that, since the original of the parent document has been lost and in this regard complaint was given on 19.04.2021, pursuant to the same, the on-line acknowledgment also has been given by the Police station concerned and in this regard, a public notice also has been published in the daily newspaper on 21.04.2021. Despite these two documents having been produced before the second respondent, he has not come forward to register the same, however, he stick on with the earlier stand and accordingly, impugned return has been made. Hence the petitioner has filed this writ petition seeking indulgence of this Court to issue a writ of mandamus as prayed for.

4. Heard Mr.M.Selvam, learned counsel for the petitioner, who after having reiterated the same would submit that, in earlier occasion, when similar issue came up for hearing, a learned Judge of this Court in W.P.No.11334 of 2020, dated 27.08.2020 has passed an order giving direction to the Registering authority to register the document and following which, several orders have been passed.

5. Heard Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondents who would submit that, apart from these two documents referred to above, the petitioner shall also file an affidavit to that effect before the registering authority to state that, the petitioner was not able to produce the original document, as the same has been lost and in this regard, he has already given a Police complaint and a public notice also has been given and it was published in the daily news paper. If such an affidavit is filed along with the document in question is presented, certainly, that would be taken note of, and accordingly, needful would be done to register the document, if it is otherwise in order.

6. I have considered the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. In view of the specific stand taken by the respondents as stated by the learned Special Government Pleader, for which the petitioner counsel also agreed to file an affidavit to that effect, apart from the aforesaid document, this Court is inclined to dispose of the writ petition with the following order:-

That the petitioner shall file an affidavit as

indicated above along with the document in question to the second respondent registering authority and on submitting the same, after verifying the affidavit and other documents, the document in question which is sought for registration, if it is in order, the second respondent shall register the same as per law, within a period of one week from the date of production of those documents including the affidavit.

8. With this direction, this writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar
(Vacation Officer)

//True Copy//

Sub Assistant Registrar

mvs/tsvn.

To

1. The Inspector General of Registration
Santhome High Road
Mylapore
Chennai 4.
2. The Joint Sub-Registrar - II
Sub-Registrar Office
Dharmapuri.

सत्यमेव जयते

W.P.No.11366 of 2021

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