



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM :

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.20674 OF 2019

M.Pushpa

...Petitioner

-Vs-

1.The State rep. by
The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 600 028.

2.The District Registrar,
Kallakurichi Taluk,
Villupuram District.

3.The Sub-Registrar,
Kallakurichi Taluk,
Villupuram District.

...Respondents

PRAYER : This Petition is filed under Article 226 of the Constitution of India, praying for the issue a Writ of Mandamus, directing the 3rd respondent to trace out the registered Sale Deed document executed in favour of the petitioner dated 02.05.2018 vide Document No.1388 of 2018 and consequently, direct to issue the register document within a stipulated period and pass appropriate orders accordingly.

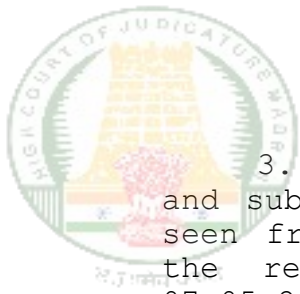
For Petitioner : Mr.R.Muniyapparaj

For Respondents : Mr.V.Veluchamy
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the 3rd respondent to trace out the registered Sale Deed document executed in favour of the petitioner dated 02.05.2018 vide Document No.1388 of 2018 and consequently, direct to issue the register document within a stipulated period and pass appropriate orders accordingly.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents as well as perused the material available on records.



3. Having considered the facts and circumstances of the case and submissions of the learned counsel for both sides, it is seen from the counter filed by the 3rd respondent herein that the registered Document No.1388 of 2018 was returned on 07.05.2018 by affixing the petitioner's signature in the counterfoil vide receipt No.2582/2018 and the same was attested by the 3rd respondent herein, subsequent to which, the petitioner has executed a settlement Deed in favour of her husband namely, Mr.Moorthy, vide Settlement Deed No.4792/2019 dated 22.11.2019 after producing the parent document No.1388/2018 dated 04.05.2018 which was earlier registered in the Sub-Registrar office, before the Registering Authority and the 1st page of the same was scanned under the pretext of verification of the parent document. Further, it is stated on the side of the 3rd respondent herein that since the electronic system of return of documents could not be correlated with the thumb impression of the petitioner, due to technical snag developed in the electronic system on that day of return, the 3rd respondent had adopted the manual way of return of the document. Hence, the said document was returned by adopting manual system provided as per the provisions of Rule 100 and 103 read with section 61(2) of Indian Registration Act.

4. In view of the above, it makes it clear that the petitioner cannot register the settlement Deed dated 22.11.2019 in Document No.4792/2019 without producing the parent document No.1388/2018 dated 04.05.2018 before the Registering authority. Since the petitioner has already received the document No.1388/2018 from the 3rd respondent which is said to have been missed on the side of the 3rd respondent herein, the petitioner cannot blame the 3rd respondent for missing the said document. However, the petitioner can receive a certified copy of the document No.1388/2018 dated 04.05.2018 from the registering authority by applying for the same. Hence, the 3rd respondent is directed to issue a certified copy of the Document No.1388/2018 dated 04.05.2018 within a period of one week from the date of receipt of copy of this order, after making note of that the original has been missed and could not be traced out in their record as well as in the certified copy.

5. With the aforesaid directions, the Writ petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

Lbm



To:

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2.The District Registrar,
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3.The Sub-Registrar,
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+1cc to M/s.S.Sathish Kumar, Advocate SR.No.56425

+1cc to the Government Pleader SR.NO.56687

W.P.No.20674 of 2019

SMI (CO)
RVM(10/01/2022)