



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8496 of 2021

R.Revathy ... 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,
Office of District Registrar, Trichy District.

3. The Sub Registrar,
Srirangam Sub Registrar Office,
Trichy District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 15.01.2021 and enable the petitioner to execute a sale deed with the rectified T.S.No.2002/2A in Srirangam Taluk, Trichy District, to the proposed purchaser.

For Petitioner : Mr.K.Muthu Ganesa pandian
For Respondents : Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the third respondent to consider the representation made by the petitioner on 15.01.2021, wherein, the petitioner has sought to register the document by showing the Survey number as T.S.No.2002 / 2A.

2. The case of the petitioner is that the subject property in T.S.No.2002/2A was purchased by her mother, by virtue of a registered sale deed, dated 19.04.1982. According to the petitioner, the family members were in possession and enjoyment of the property measuring an extent of 1250 square feet.



3. The further case of the petitioner is that her mother executed a registered gift deed in favour of the petitioner on 23.03.2018. Thereafter, the mother of the petitioner died on 18.09.2019.

4. The petitioner wanted to get her daughter married and therefore, decided to sell the subject property. At that point of time, the petitioner noticed that there was a mistake in mentioning T.S.Number in the title document, wherein, it was mentioned as T.S.No.2001, instead of T.S.No.2002/2A.

5. The petitioner, therefore, made a representation before the third respondent on 15.01.2021, to permit the petitioner to execute a sale deed by showing the Town Survey Number as T.S.No.2002/2A. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.K.Muthu Ganesa Pandian, learned counsel appearing on behalf of the petitioner and Mr.K.Sathiya Singh, learned Additional Government Pleader appearing on behalf of the respondents.

7. It can be seen from records that the subject property has been described in the Town Survey land register as T.S.No.2002/2A. Even in the FMB Sketch, the same description is found. However, a mistake had crept in the title document, wherein, T.S.Number is mentioned as 2001.

8. In the considered view of this Court, the third respondent can always entertain the document presented for registration and make an inspection of the property after considering the TSLR and also FMB sketch. If there is no confusion with regard to the identity of the property, the third respondent can always register the document by permitting the petitioner to identify the property as T.S.No.2002/2A. In any event, the third respondent always has the power to take a decision on the registration of the property and either entertain the same or refuse the same under Section 71 of the Registration Act.

9. In view of the above, there shall be a direction to the third respondent to entertain the document presented for registration by the petitioner along with a sworn affidavit given by the petitioner explaining the mistake in the T.S. Number. The third respondent before taking a decision to register the document, shall undertake an inspection of the property with the aid of the TSLR and FMB and thereafter, take a decision with regard to the registration of the document. The third respondent shall complete this process within a period of two weeks from the date of receipt of presentation of the document by the petitioner.



10. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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,
Office of District Registrar, Trichy District.

3. The Sub Registrar,
Srirangam Sub Registrar Office,
Trichy District.

+1 CC to M/s.SPL GP (SR-17722[F] dated 27/04/2021)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

Order made in

W.P. (MD) .No.8496 of 2021

Dated:

26.04.2021

RK(13.05.2021) 3P 5C