



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14596 of 2021

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... Petitioner

Vs.

1.The District Registrar,
Virudhunagar Registration District,
Virudhunagar.

2.The Sub Registrar,
Sub Registrar Office,
Seithur,
Virudhunagar District.

... Respondents

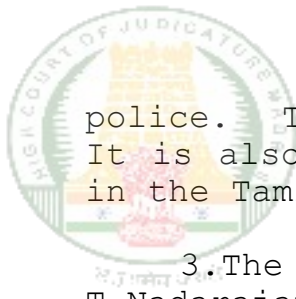
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the 2nd respondent in his proceeding in RFL/Seithur/16/2021 dated 05.08.2021 and quash the same as illegal, arbitrary, violation of law and further direct the 2nd respondent to register a sale deed dated 05.08.2021 presented by the petitioner for registration and release the same, within the stipulated period which this Court may deem fit and proper.

For Petitioner : Mr.V.Jothi Basu
For Respondents : Mr.R.Baskaran,
Counsel for State

ORDER

The petitioner challenges the order dated 05.08.2021 whereby the second respondent refused to register the document presented for registration by the petitioner on the sole ground that the original parent document was not produced.

2.The petitioner claims that he is the owner of a property situated in Natham Survey No.66/3, South Street, Ward No.5, Nallamangalam Village, Virudhunagar District. It is stated that such property was purchased on 05.02.2015 from the previous owner and that the sale deed was registered as Document No.269 of 2005. The petitioner states that the aforesaid sale deed was lost and that, therefore, the petitioner lodged a complaint before the



police. The police department also issued a lost document report. It is also stated that paper publication was issued in this regard in the Tamil daily "Malai Malar" on 01.12.2019.

3.The petitioner decided to sell the property to one T.Nadarajan and prepared and submitted a sale deed for registration before the second respondent. Such registration was declined on the ground that the original document had not been produced. The present Writ Petition is filed in the said facts and circumstances.

4.Mr.R.Baskaran, learned counsel for the State, who appears on behalf of both the respondents, submits that the Inspector General of Registration has issued a circular to all the relevant registration offices with regard to non-production of the original parent document. He submitted that the said circular requires that the patta and other corroborating documents should be submitted in such circumstances. In addition, it is stated that a proper explanation should be tendered for the non-production of the original parent document.

5.This Court has held in several cases that the registration authority cannot decline to register a document solely on the ground of non-production of the original parent document. Given the fact that the impugned order cites only one reason, which is non-production of the original document, the impugned order cannot be sustained. At the same time, it should be noted that the original parent document is called for primarily to ensure that the relevant property is not subject to a mortgage or other encumbrance by the deposit of original title deed. The registration authority calls for an explanation and also calls for other documents such as the patta for such purpose. In this case, the petitioner appears to have lodged a police complaint and also issued a paper publication. It is not clear as to whether said documents were submitted before the registration authority with a proper explanation.

6.For the reasons set out above, the impugned order dated 05.08.2021 is quashed. As a corollary, the petitioner is permitted to re-submit the relevant documents for registration before the second respondent within a period of two weeks from the date of receipt of a copy of this order. Such re-submission shall be done along with a copy of the lost document report of the police, paper publication etc. and any other documents to substantiate the title to the property in question. Upon receipt of the re-submitted document with the above mentioned enclosures, the second respondent is directed to consider the same by taking into account the observations made in this order and complete the exercise within a period of thirty days from the date of receipt of the re-submitted document.



7.W.P.(MD).No.14596 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.

To

1.The District Registrar,
Virudhunagar Registration District,
Virudhunagar.

2.The Sub Registrar,
Sub Registrar Office,
Seithur,
Virudhunagar District.

+1 CC to M/s.M.JOTHIBASU, Advocate (SR-27420[F] dated 26/08/2021)

+1 CC to M/s.SPL GP (SR-27377[F] dated 26/08/2021)

W.P(MD)No.14596 of 2021
25.08.2021

DJ(CO)
GC(02.09.2021) 3P 5C