



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD).No.16256 of 2021

Mr.Ramasamy

... Petitioner

Vs.

The Sub Registrar,
Joint-1, Madurai South,
Madurai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to register the deed to be executed by the petitioner without insisting the original document bearing Document No.5982/1983 dated 14.11.1983 in respect of property in Plot No.9 situated in Ayan Punja S.No.151/4F, Settlement Register S.No.151/4C, 151/4D, 151/4E and 151/4F, Thankankulam Village, Madurai South Taluk, Madurai District.

For Petitioner : Mr.R.J.Karthick
For Respondent : Mr.P.Subbaraj
Counsel for the State

ORDER

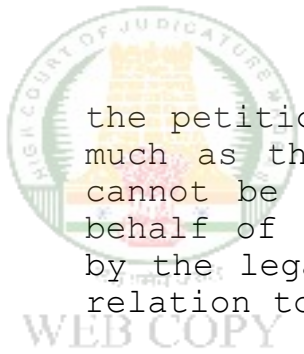
The petitioner seeks a direction for the registration of a document without insisting on the production of the original parent document bearing document No.5982/1983 dated 14.11.1983.

2. The petitioner had purchased a vacant land at Thanakankulam Village, Madurai South Taluk measuring about 2145 sq.ft. under a registered sale deed bearing document No.5982/1983 dated 14.11.1983. According to the petitioner, the said sale deed was misplaced on 16.03.2015 at a photo copying shop in Thiruvengadam Village. Therefore, the petitioner issued a paper publication in the tamil daily Dinamalar issue dated 24.03.2015 and also lodged a complaint before the Inspector of Police, Thiruvengadam Police Station.

3. Subsequently, the petitioner decided to settle the property in favour of his children. Therefore, the petitioner approached the respondent and also submitted a representation dated 23.08.2021. The writ petition is filed on account of the failure to dispose of such representation.

4. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the sole respondent.

5. Learned counsel for the petitioner submits that the petitioner expired after the filing of the writ petition. In view of



the petitioner's death, nothing survives of the writ petition in as much as the document submitted for registration by the petitioner cannot be acted upon any longer. Nevertheless, it is submitted on behalf of the petitioner that the same issues would be encountered by the legal heirs of the petitioner if they present a document in relation to the same property for registration.

6. When a document is presented for registration, the registration authorities call upon the person presenting the document to produce the original parent documents so as to assess *prima facie* the entitlement of the executant to execute the document as also to ensure that the relevant property is not subject matter of a mortgage or other encumbrance. It is possible that such original document may not be available on legitimate grounds. By taking the above possibility into account, the circular dated 25.04.2012 was issued. In terms of such circular, the party concerned has been directed to produce a copy of the patta, the complaint lodged with the relevant police station, paper publication and the like. As long as these requirements are fulfilled, the respondent should not refuse to register the document solely on the ground that the original parent document has not been produced.

7. Subject to the above observations, W.P.(MD).No.16256 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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

The Sub Registrar,
Joint-1, Madurai South,
Madurai District.

+1 CC to M/s.SPL. GP (SR-28954[F] dated 14/09/2021)

W.P(MD).No.16256 of 2021

13.09.2021

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