



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.789 OF 2022

Vasuki

...Petitioner

Vs

The Sub-Registrar,
Office of the Sub-Registrar,
Thiruvidaimaruthur,
Thiruvidaimaruthur Taluk,
Kumbakonam,
Thanjavur District - 612 104.

...Respondent

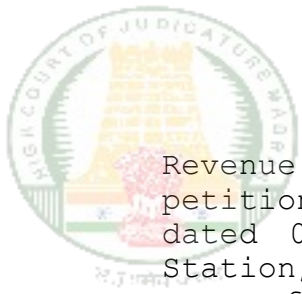
Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal slip in RFL/Thiruvidaimaruthur/55/2021, dated 23.08.2021 issued by the Sub-Registrar, Thiruvidaimaruthur and quash the same as illegal and consequently direct the respondent to register the sale deed document presented by the petitioner for registration on the production of the certified copy of the parent document, revenue document (joint patta) registered in the name of petitioner, petitioner's Police Complaint and complaint ID:CUV21152367 dated 09.10.2021 pending on the file of Vikramangalam Police Station, in the light of the order made in the case of Subbathal Vs The Sub-Registrar in W.P.No.4335 of 2019, without insisting other documents and return the registered document to the petitioner after completing all the formalities of the registration.

For Petitioner : Mr.R.Venkatesulu

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal slip in RFL/Thiruvidaimaruthur/55/2021, dated 23.08.2021 issued by the respondent and quash the same as illegal and consequently direct the respondent to register the sale deed document presented by the petitioner for registration on production of the certified copy of the parent document and



Revenue document (joint patta) registered in the name of petitioner and his Police complaint in Complaint ID:CUV21152367 dated 09.10.2021 pending on the file of Vikramangalam Police Station, in the light of the order dated 28.11.2019 made in the case of Subbathal Vs The Sub-Registrar in W.P.No.4335 of 2019, without insisting on other documents and return the registered document to the petitioner after completing all the formalities of the registration.

2. The petitioner purchased the property comprised in S.No.311/3A (Old Survey No.311/3) ad-measuring an extent of 0.02.5 ares out of 0.38.5 ares, by registered sale deed dated 19.11.2013, vide Document No.2752 of 2013, situated at Thiruvisalur Village, Thiruvidaimaruthur Taluk, Thanjavur District. The petitioner intended to sell the said property in favour of one Ayyapillai. Accordingly, he executed the sale deed in favour of the said person on 23.08.2021 and presented the document for registration along with photo-copy of the parent sale deed dated 19.11.2013 in joint patta No.932 and as such, he has also lodged a complaint before the jurisdictional police station and it is pending for investigation. However, the respondent, by the impugned refusal slip in RFL/Thiruvidaimaruthur/55/2021, dated 23.08.2021, refused to register the sale deed for the reason that the Inspector General of Registration had issued a circular dated 07.06.2018 under Circular No.25600C1/2018 stating that without parent deed, any deed of conveyance cannot be registered.

3. Admittedly, the petitioner had lost the original parent document and also lodged the complaint for missing the original document before the Inspector of Police, Vikramangalam Police Station on 09.10.2021.

4. In view of the above facts and circumstances of the submissions made on either side and taking into consideration the order passed by this Court, dated 28.11.20149 in W.P.No.4335 of 2019, the impugned refusal slip in RFL/Thiruvidaimaruthur/55/2021, dated 23.08.2021 is quashed. The petitioner is directed the re-present the sale deed dated 23.08.2021 for registration before the respondent along with the certified copy of the parent deed dated 19.11.2013 along with non traceable certificate to be issued by the Inspector of the Police, Vikramangalam Police Station, Ariyalur District. On receipt of the same, the respondent is directed to register and release the same, if it is otherwise in order. It is made clear that the said Inspector of the Police, Vikramangalam Police Station, Ariyalur District is directed to issue non traceable certificate, within a period of two weeks from the date of receipt of a copy of this order in Complaint ID:CUV21152367, dated 09.10.2021.



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5. In the result, this Writ Petition is allowed as prayed for. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

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To

1.The Sub-Registrar,
Office of the Sub-Registrar,
Thiruvidaimaruthur,
Thiruvidaimaruthur Taluk,
Kumbakonam,
Thanjavur District - 612 104.

2.The Inspector of Police,
Vikramangalam Police Station,
Ariyalur District.

+1cc to M/s.Usha Ramman, Advocate Sr.No.3953

+1cc to the Government Pleader Sr.No.4697

W.P.No.789 of 2022

KSM(CO)
RVM(23/02/2022)