



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.02.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.1831 of 2022
and
W.M.P.No.1967 of 2022

1. Madhammal,
2. Lakshmi,
3. Kamala

... Petitioners

Vs

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai-4.

2. The Joint Sub-Registrar-II
Sub-Registrar Office,
Dharmapuri.

3. The Inspector of Police,
B-1, Police Station,
Dharmapuri.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the 2nd respondent to register the sale deed dated 31.12.2021 R/2 Joint Sub-Registrar Dharmapuri/2/2022 datd 05.01.2022 has refused to register the sale deed and return the same to the petitioner.

For Petitioner ... Mr. M.Selvam

For Respondents ... Mr. Yogesh Kannadasan,
Special Government Pleader.

O R D E R

The present petition has been filed seeking a direction to the 2nd respondent to register the sale deed dated 31.12.2021 and return the same to the petitioner.

2. Mr. Yogesh Kannadasan, learned Special Government Pleader takes notice to the respondents 1 to 3.

3. Mr. Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents 1 to 3.



4. It is the case of the petitioner that his father executed the settlement deed in favour of the petitioner in respect of the subject land and the petitioner was in full possession of the said land. While being so, the petitioner lost the original documents of the subject property, for which the petitioner made a complaint to the 3rd respondent, pursuant to which, CSR copy was issued and it was certified that the original documents in respect of the subject land were lost. The petitioner had executed a sale deed with an intent to sell the land and the sale deed was placed before the 2nd respondent for registration. However, the 2nd respondent had refused to register the same on the ground that the original documents were not presented for verification and the petitioner was asked to produce the Non-Traceable certificate, however, the 3rd respondent has not issued the non-Traceable certificate. Aggrieved by the same, the present petition has been filed seeking the aforesaid relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 3rd respondent to issue a non-Traceable certificate within the time stipulated by this Court. Further, the petitioner may be permitted to produce the document before the 1st respondent along with non-traceable certificate.

6. Learned Special Government Pleader has no objection to the said order being passed.

7. In view of the fair submission of the learned counsel for the petitioner, this Court without going into the merits of the case, directs the 3rd respondent to conduct enquiry and issue Non-Traceable Certificate. Upon receipt of the same, the petitioner is directed to produce the said certificate along with the document before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and on submission of the same, the 1st respondent is directed to register the document, if it is otherwise in order, within a period of four weeks thereafter.

8. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

NHS



To

1. The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai-4.

2. The Joint Sub-Registrar-II
Sub-Registrar Office,
Dharmapuri.

3. The Inspector of Police,
B-1, Police Station,
Dharmapuri.

+1cc to Mr.M.Selvam, Advocate, S.R.No.8499
+1cc to the Government Pleader, S.R.No.8649

W.P.No.1831 of 2022

MT(CO)
SB(31/03/2022)