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W.A.No.1637 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Appeal No.1637 of 2022

Ramji Ratnam

.. Appellant

Vs.

The Sub Registrar
T.Nagar
Chennai.

.. Respondent

Prayer: Appeal under Clause 15 of the Letters Patent filed against the order dated 10.02.2022 made in W.P.No.2471 of 2022.

For the Appellant : Mr.Anil Relwani

For the Respondent : Mr.P.Muthukumar
State Government Pleader



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JUDGMENT

(Delivered by the Hon'ble Acting Chief Justice)

The writ appeal has been directed against the order dated 10.02.2022 made in W.P.No.2471 of 2022, wherein the learned Single Judge set aside the order of the respondent refusing to register the release deed for the sole reason that the original document has not been produced.

2. Learned counsel appearing for the appellant submitted that the original owner died while staying in an Old Age Home and therefore, the original document could not be traced. He further submitted that even if the direction issued by the learned Single Judge to file a complaint before the jurisdictional Police Station for tracing the parent document is complied with, no purpose would be served, as, the release deed has to be registered without the original document.

3. We are unable to accept the said argument in the light of the recent notification issued by the Government in G.O.Ms.No.129, Commercial Taxes and Registration (J2) dated 05.0.2022, inserting



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Rule 55A, which reads as under:

"55A. (i) The registering officer before whom a document relating to immovable property is presented for registration, shall not register the same, unless the presentant produces the previous original deed by which the executant acquired right over the subject property and an Encumbrance Certificate pertaining to the property obtained within ten days from the date of presentation:

... "

4. In view of the above Rule, we do not find any reason to cause interference with the order of the learned Single Judge.

5. At this juncture, learned counsel for the appellant submitted that when the appellant approached the jurisdictional Police Station to lodge a complaint, as observed by the learned Single Judge, they have not entertained the complaint, but insisted the appellant to produce CCTV footage of the place where the document was lost. Hence, the jurisdictional Police Station is directed to entertain the complaint, if any, lodged by the appellant.



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6. The writ appeal is dismissed with the above direction. There will be no order as to costs. Consequently, CMP No.11079 of 2022 is also dismissed.

(T.R., ACJ.) (D.K.K., J.)
28.09.2022

kpl

To

The Sub Registrar
T.Nagar
Chennai.



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T.RAJA, ACJ,
and
D.KRISHNAKUMAR,J

(kpl)

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