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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2022

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. NO.5143 OF 2017

S.T. Perumal

... Petitioner

Vs

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinampakkam,
Chennai 600 028.
2. The District Registrar (Administration),
Chennai South Registration Department,
No.9, Jeens Road,
Saidapet, Chennai 600 015.
3. The Sub Registrar,
O/o. The Sub Registrar Office,
Kundrathur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records in pursuant to the impugned notice dated 22.03.2016 issued by the 3rd respondent and impugned order passed by the 2nd respondent in proceeding NO.16768/A1/2016 dated 06.10.2016 and quash the same, consequently, direct the 3rd respondent to register the pending document No.P.732/2016 and release the same within a period stipulated by this Court.

For petitioner

... Mr. R. Subburaj

For respondents

... Mr. S. Ravi Kumar
Special Government Pleader

ORDER

This writ petition has been filed against the order of refusal passed by the respondents to register the petitioner's sale deed on the ground that he has not produced the original parent documents of the property.



2. According to the petitioner, he has purchased a property in Plot No.14, Kalaimagal Nagar, Mangadu from one C.R.Mani, represented by Power Agent. When he presented the documents for registration before the 3rd respondent, he refused to register the same on the ground that the petitioner did not produce the original title deeds and asked the petitioner to produce the non traceable certificate issued by the police and also a paper publication regarding loss of original title deeds. Even though the petitioner has produced all those documents, still the 3rd respondent refuse to register. Hence, the petitioner filed an appeal before the 2nd respondent/District Registrar and the District Registrar also rejected the appeal. Now, challenging the same, the present writ petition has been filed.

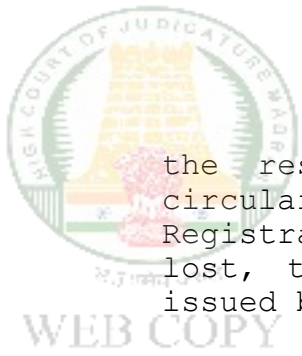
3. The 3rd respondent filed a counter affidavit stating that the petitioner presented the sale deed dated 23.12.2015 executed by one C.R.Mani represented by his Power Agent, K. Deeban. But, he has not produced the original title deeds along with the sale deed. Thereafter, the petitioner approached them stating that his vendor has lost the original deeds and he has also lodged a complaint before the police station and produced a copy of the complaint. However, he has not produced the public notice issued in the newspaper regarding the loss of title deeds. Since the petitioner neither produced the original deeds nor paper publication and non traceable certificate for loss of original title deed, the respondent is not in a position to register the document.

4. The learned counsel appearing for the petitioner submitted that his vendor lodged a complaint before the Valasaravakkam Police Station and it was registered as CSR. Thereafter, he has given a paper publication in news paper and also obtained a non-traceable certificate from the police. Though, he has produced all the documents before the 3rd respondent, he has not registered the sale deed.

5. The learned counsel appearing for the respondents submitted that the petitioner could not produce the original title deed or the police complaint along with other required documents and hence, the Registrar is not in a position to register the sale deed.

6. I have considered the rival submissions made on either side and carefully, perused the materials available on records.

7. The original title deed has been lost and as per the circular issued by the first respondent/Inspector General of Registration dated 07.06.2018, the petitioner has already given a police complaint and also produced the non traceable certificate along with the paper publication. Despite the same,



the respondents refused to register the same. As per the circular issued by the first respondent/Inspector General of Registration, dated 07.06.2018, if the original title deed is lost, the executor has to produce a non-traceable certificate issued by the police along with paper publication given by them.

8. Considering the said circumstances, the petitioner is directed to approach the 3rd respondent and file a copy of the CSR along with the Non-Traceable Certificate issued by the police and paper publication issued by them, and on paying the stamp duty, the 3rd respondent is directed to register the documents, if the documents are otherwise in order, without insisting the original document.

9. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Inspector General of Registration,
100, Santhome High Road,
Pattinampakkam,
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2. The District Registrar (Administration),
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Saidapet, Chennai 600 015.
3. The Sub Registrar,
O/o. The Sub Registrar Office,
Kundrathur

+1cc to the Government Pleader, S.R.No.23620
+1cc to Mr.R.Subburaj, Advocate, Sr.No.23260(07/06/2022)

W.P. No.5143 of 2017

JP II (CO)
PM/27/05/2022