



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P.(MD)No.3227 of 2022

D.Saravanan

Proprietor of M/s.Saravana Foundation,
Chennai.

... Petitioner

vs.

The Sub Registrar,
Trichy Joint-I,

Court Campus, Cantonment, Trichy-620 001. ... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to register the sale deed vide TP/110369904/2022 and Construction agreement vide TP/110385894/2022 scheduled on 23.02.2022 presented by the petitioner for registration without insisting for the production of original sale deed Doc.No.4695/1997 dated 12.12.1997, the original Power of Attorney dated 30.10.2009 registered under Doc. No.1801/2009, dated 30.10.2009 as a result of the relief squarely covered and reported in 2011-2-L.W.648-K.S.Vijayendran Vs. The Inspector General of Registration and another.

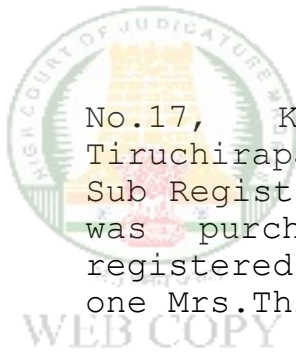
For Petitioner :Mr.G.Peranban

For Respondent :Mr.S.Shanmugavel
Additional Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to register the sale deed vide TP/110369904/2022 and Construction agreement vide TP/110385894/2022 scheduled on 23.02.2022 presented by the petitioner for registration without insisting for the production of original sale deed Doc.No.4695/1997 dated 12.12.1997 and the original Power of Attorney dated 30.10.2009 registered under Doc. No.1801/2009, within a time frame to be fixed by this Court.

2.The case of the petitioner is that he is the real estate builder and involved in construction project at Trichy and Chennai. The grievance of the petitioner is that he is the registered power agent of Mrs.Lathamaheswari wife of Mr.R.Maheshwaran under a power of attorney, dated 30.10.2009 vide Doc.No.1801/2009, in respect of the property to an extent of 1824 sq.ft., of undivided share of 60% out of 3040 sq.ft., comprised in O.S.No.110/4 situated at Plot No.2, Karumandapam, Kalyana Sundaram Nagar (M.K.Nagar) Ward AA, Block



No.17, K.Abishhegapuram Village, Trichy City Corporation, Tiruchirapalli Taluk Trichy District, Trichy Circle, Joint 1 and 2 Sub Registrar Office. According to the petitioner, the said property was purchased by his principal Mrs.Lathamaheshwari under a registered sale deed, vide Doc.No.4695/1997 dated 12.12.1997 from one Mrs.Throwbathi Devi.

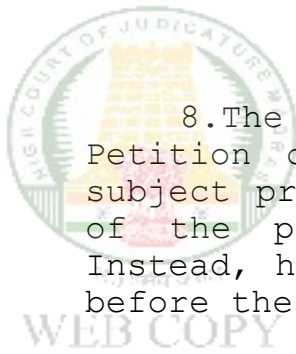
3.It is the case of the petitioner that under the strength of the above power of attorney, dated 30.10.2009 and sale deed, dated 12.12.1997, standing in the name of Mrs.Lathamaheshwari, he is entitled to alienate the property on behalf of his principal Mrs.Lathamaheshwari. In the strength of the aforementioned documents, the petitioner has presented a sale deed, dated 29.12.2021 executed in favour of Mr.D.Radhakrishnan for registration with the respondents. He has also presented construction agreement dated 29.12.2021 entered into between Mrs.Lathamaheshwari, represented by himself as power of attorney and M/s.Saravana Foundation, as "Developer/Promoter" and Mr.D.Radhakrishnan, the purchaser, for registration.

4.It is the contention of the petitioner that the respondent refused to register the said documents on the ground that the originals of the sale deed, dated 12.12.1997 standing in the name of Mrs.Lathamaheshwari has not been produced. In such circumstances, he has filed this Writ Petition seeking for a direction to the respondent to register the sale deed and construction agreement referred to supra without insisting upon production of the original parent title deed.

5.Heard Mr.G.Peranban, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

6.It is settled by various decisions of this Court including the decision referred to in paragraph 10 of the affidavit filed in support of this Writ Petition as well as the decision rendered in the case of ***K.S.Vijeyndran vs. the Inspector General of Registration and another***, reported in ***2011-2-LW-648***, that the circular issued by the Inspector General of Registration that originals of the parent deeds have to be produced cannot have legal sanctity, unless the power of issuance of such circulars is authorised under the provisions of Registration Act or any other statute.

7.In the case on hand, the respondent has relied upon a circular issued by the Inspector General of Registration, which has not been issued under any of the provisions of the Registration Act. This being the case, the decision referred to supra squarely applies to the case on hand also.



8.The petitioner in the affidavit filed in support of this Writ Petition claims that due to creation of mortgage deed over the subject property, he is not in a position to produce the originals of the parent title deeds before the registration authority. Instead, he has produced the photostat copies of parent title deeds before the registration authorities.

9.However, as seen from the affidavit filed in support of this Writ Petition, no representation has been given by the petitioner in writing to the respondent requesting the respondent to register the above documents in the light of the decisions rendered by this Court and also the decisions rendered in the case of ***K.S.Vijeyndran vs. the Inspector General of Registration and another***, reported in ***2011-2-LW-648***.

10.This Court is of the considered view that a positive direction as sought for in this Writ Petition cannot be granted by this Court. But instead a direction can be issued to the respondent to consider the petitioner's representation as and when it is given by the petitioner requesting the respondent to register the sale deed and the construction agreement without insisting upon for the production of original parent title deed on merits and in accordance with law, if the sale deed and the construction agreement are otherwise in order.

11.For the foregoing reasons, the petitioner is directed to give a representation to the respondent requesting the respondent to register the sale deed and the construction agreement, which are the subject matters of this Writ Petition in the light of decisions rendered by this Court in W.P.(MD)Nos.7175 of 2021, 2257 of 2020 and 11426 of 2018 and in the case of ***K.S.Vijeyndran vs. the Inspector General of Registration and another***, reported in ***2011-2-LW-648***, and on receipt of the said representation, the respondent shall register the sale deed and construction agreement without insisting upon for the production of original parent title deeds, if the said sale deed and the construction agreement are otherwise in order within a period of twelve weeks from the date of receipt of a copy of this order.

12.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

The Sub Registrar,
Trichy Joint-I,
Court Campus, Cantonment, Trichy-620 001.

WEB COPY

W.P. (MD) No. 3227 of 2022
23.02.2022

RK(11/03/2022) 4P 2C