



W.P(MD)No.17729 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17729 of 2022

and

W.M.P.(MD)No.12920 of 2022

K.Sundarathai

... Petitioner

Vs.

1.The District Registrar,
O/o. The District Registrar,
Virudhunagar,
Virudhunagar District.

2.The Sub Registrar,
O/o. The Sub Registrar,
Watrap,
Virudhunagar District.

3.Sri Nithyakalyani Chit Funds,
Rep. by its Managing Director,
No.22, Lakshmi Road,
TVS Nagar,
Madurai – 625 003.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents Nos.1 and 2 to permit the Respondent No.3 to execute the Deed infavour of the petitioner for the properties in S.No.455/1, Watrap Village, Watrap Taluk,



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Virudhunagar District without insisting upon the original Sale Certificate and pass orders within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.

2.The property in question belonged to Kalirajan, the husband of the writ petitioner. He had mortgaged the petition mentioned property in favour of the third respondent. He committed default. The third respondent took steps to recover the chit amount. An award was also passed in their favour. E.P.No.101 of 1999 was filed and the property was taken in the name of their own managing director. The petitioner's husband subsequently passed away. The petitioner later approached the third respondent and cleared the dues. The third respondent is fair enough to reconvey the property in favour of the writ



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petitioner. But the original sale certificate issued in their favour has been misplaced and only photocopy is available. When enquiry was made with the second respondent, it was made clear by the second respondent that unless the original sale certificate is produced, the sale deed will not be registered. That led to the filing of the present writ petition.

3.The facts are quite clear. There is no creation of any interest in favour of any party other than the third respondent. The third respondent is a chit company. The circumstances under which the property passed to the hands of the third respondent have already been set out. Now the dues of the third respondent has been settled. The third respondent wants to reconvey the property.

4.No exception can be taken to the said request. This is not the case in which there should be any insistence on production of the original document. In any event, in quite a few cases, this Court had held that the registering authority cannot insist on production of the original documents for registering a sale deed.



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5. Therefore, the petitioner and the third respondent are permitted to present the sale deed executed by the third respondent in favour of the writ petitioner before the second respondent. The second respondent shall entertain the same, register it and release it subject to fulfilment of all the other formalities.

6. The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

1. The District Registrar,
O/o. The District Registrar,
Virudhunagar,
Virudhunagar District.
2. The Sub Registrar,
O/o. The Sub Registrar,
Watrap,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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