



W.P(MD)No.27774 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27774 of 2022

R.Sangeetha

... Petitioner

Vs

The Joint Sub Registrar – I,
(District Registrar Cadre),
Court Campus,
Cantonment,
Tiruchirappalli – 620 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal to register No. RF/L1 Joint Sub Registrar - I Tiruchirappalli/422/2022 dated 21.10.2022 and quash the same and consequently direct the respondent to register the settlement deed dated 21.10.2022, without insisting upon the original title deed No. 7474/ 2010.

For Petitioner : Mr.S.Jeyavel

For Respondent : Mr.S.Shanmugavelu
Additional Government Pleader



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ORDER

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Heard the learned counsel on either side.

2. With the consent of the learned counsel on either side, this writ petition is taken up for disposal at the stage of admission itself. The petitioner executed settlement deed dated 21.10.2022 in favour of her brother and presented the same before the respondent for registration. Since the original parent deed was not produced, the respondent declined to accept the document for registration and instead issued the impugned refusal check slip. Questioning the same, the present writ petition has been filed.

3. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondent submitted that in view of G.O(Ms)No.129 Commercial Taxes and Registration (J2) dated 05.09.2022 if the previous original deed is lost, the registering officer shall register such document only on production of non-traceable Certificate issued by the Police Department along with the advertisement published by the local newspaper as to the notice of loss of the previous original deed.

4. The petitioner has not complied with the said requirement. Therefore, it is not possible for this Court to quash the impugned refusal check slip.



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However, the petitioner is permitted to re-present the document after complying with the aforesaid requirement set out in G.O(Ms)No.129 Commercial Taxes and Registration (J2) dated 05.09.2022. On such compliance, the respondent shall register the document subject to fulfilment of the other usual formalities.

5. This writ petition is disposed of with the aforesaid direction. There shall be no order as to costs.

09.12.2022

Index : Yes / No
Internet : Yes/ No
mga

To

The Joint Sub Registrar – I,
(District Registrar Cadre),
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G.R.SWAMINATHAN, J.

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