



WEB COPY

WP No.27560 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-09-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.27560 of 2023

Jalkesan

... Petitioner

Vs.

1.The Sub Registrar,
Vepanapally,
Krishnagiri Taluk,
Krishnagiri District.

2.P.M.Mohammed Shamshuddin

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter in Na.Ka.No.141/2023 dated 06.07.2023 issued by he Sub Registrar, Veppanapally and quash the same and consequently direct the first respondent to register the cancellation of Sale Agreement presented by the petitioner for registration without insisting for the production of the original Sale Agreement.



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For Petitioner : Mr.G.M.Ananthakumar

For Respondent-1 : Mr.C.Jayaprakash,
Government Advocate.

ORDER

The letter of the Sub Registrar addressed to the Inspector of Police, Kurubarapally Police Station in proceedings dated 06.07.2023, is under challenge in the present writ petition.

2. The petitioner states that he is the absolute owner of the property in Survey Nos.259/5A, 259/2B and 259/4A to an extent of 3.02 acres situated in Kurubarapally Village, Krishnagiri Taluk. The petitioner had executed a Sale Agreement in favour of the second respondent on 11.05.2020. The said Sale Agreement was registered. However, the sale was not completed. The parties have approached the Sub Registrar for cancellation of Sale Agreement .

3. The learned counsel for the petitioner states that both the



owner as well as the purchaser were present for cancellation.

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4. The Registering Authority refused to register the Cancellation Deed on the ground that the petitioner has failed to produce the original title document.

5. The petitioner states that the original document was handed over to the purchaser at the time of execution of the Sale Agreement, which was said to be lost. A complaint before the police was lodged. The Police Authorities have given a Certificate that the document was the genuine one.

6. In such circumstances, there is no impediment for the petitioner to produce the certified copy of the title document for the purpose of registering the Cancellation Deed.

7. The learned counsel for the petitioner states that the petitioner is ready to submit the certified copy of the document for verification.



8. That being the submissions made by the learned counsel for the petitioner, the petitioner is at liberty to submit the certified copy of the title document, enabling the Authority to verify the title or ownership of the petitioner in respect of the subject property and accordingly proceed with the registration by following the procedures as contemplated. In the event of submitting the certified copy of the title document by the petitioner, the respondents are directed to complete the process of registration, within a period of four weeks from the date of receipt of a copy of this order.

9. The impugned order is an Inter Departmental Communication between the Sub Registrar and the Inspector of Police and based on the impugned order, the Inspector of Police has already issued the Certificate that the Certificate issued by the Police Station is the genuine one.

10. That being the factum, the first respondent is directed to proceed with the registration.

11. With the above directions, the present writ petition stands



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allowed. However, there shall be no order as to costs.

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Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

The Sub Registrar,
Vepanapally,
Krishnagiri Taluk,
Krishnagiri District.



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S.M.SUBRAMANIAM, J.

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