



W.P.No.29964 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29964 of 2023

Muthusamy

... Petitioner

versus

1.The Inspector General of Registration,
No.100, Santhome High Road,
Pattinampakkam,
Chennai - 28.

2.The Sub Registrar,
Paramathi,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the second respondent made in refusal Check Slip refusal Number RFL/PARAMATHI/56/2023 dated 11.05.2023 and quash the same and consequently direct the second respondent to register the sale deed dated 11.05.2023 in favour of the petitioner.



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For Petitioner : Mr.N.Umapathi
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. By consent of both the parties, the writ petition is taken up for final disposal at admission stage itself.

2. This writ petition has been filed to quash the impugned refusal Check Slip of the second respondent in refusal Number RFL/PARAMATHI/56/2023, dated 11.05.2023 and consequently to direct the second respondent to register the sale deed dated 11.05.2023 in favour of the petitioner.

3. The case of the petitioner is that originally, the properties in S.No.428/3 measuring an extent of 2.20 acres out of 2.76 acres and common cart track in S.No.428/3, measuring an extent of 0.74 acres situated at N.Seerapalli Village, Paramathi Taluk, Namakkal District, belonged to one Chinnammal, by virtue of registered sale deed dated 17.03.87 vide Doc.No.141/1987 on the file of the Sub-Registrar, Paramathi. After her death, the subject properties were inherited by her legal heirs. As such, the



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legal heirs of Chinnammal decided to sell the subject properties in favour of one K.Sekar and presented the document for registration on 11.05.2023 before the second respondent, however, the second respondent refused to register the same on the ground that the original document in Doc.No.141/87 in the name of Chinnammal should be presented along with non-traceable certificate and paper publication has to be given and presented for registration as per Section 55 A of the Registration Act. Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that the said Chinnamal died on 17.02.2016 and the petitioner and other legal heirs are not in a position to produce the original document, since it was lost. Even though the petitioner has given undertaking before the Registrar, but the same was refused by them.

5. The learned Special Government Pleader appearing for the respondents submitted that though the petitioner has not produced any original document or any authenticated document to prove their title, the Registrar is not in a position to register the same, unless the original



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document is submitted.

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6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and also perused the materials available on record.

7. On a perusal of the records, it is seen that the petitioner has not disclosed about the original document, even though he has stated that he lost the original document and he has also not produced any authenticated document to prove the same, and hence, the petitioner is not entitled to get any relief, unless original document or any authenticated document in the manner known to law, is produced before the Registrar.

8. Considering the facts and circumstances, this Writ Petition is dismissed. There shall be no order as to costs.

17.10.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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