



W.P.No.31022 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31022 of 2023

R.Muthaiyan

...

Petitioner

/vs/

1.District Registrar
Salem District,
Salem.

2.Sub Registrar
Gengavalli Sub Registrar Office,
Salem District.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records relating to the impugned Refusal Slip in Ref.No.RFL/GENGAVALLI/27/2023 dated 26.06.2023 in respect of the petitioner's property comprised in S.No.110/3A to the land for an extent of 0.84 cent, 0.34.0 Hectare at Salem District, Gengavalli Taluk, Kadambur Village and quash the same and consequently, direct the 2nd respondent to forthwith register the Release deed dated 26.06.2023 presented by the petitioner without insisting for the production of original parent documents.

For Petitioner

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Ms.J.Swetha

For Respondents

...

Mr.Yogesh Kannadasan
Special Government Pleader



W.P.No.31022 of 2023

ORDER

The writ petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned Refusal Slip in Ref.No.RFL/GENGAVALLI/27/2023 dated 26.06.2023 in respect of the petitioner's property comprised in S.No.110/3A of the land of an extent of 0.84 cent, 0.34.0 Hectare at Salem District, Gengavalli Taluk, Kadambur Village and quash the same and consequently, direct the 2nd respondent to forthwith register the Release deed dated 26.06.2023 presented by the petitioner without insisting on production of original parent documents.

2.In the impugned Refusal Slip, the second respondent clearly stated that the original document has not been produced and it is also stated that the petitioner himself informed the Registrar that the original document was with one Perumal.

3.Now, the learned Counsel appearing for the petitioner submitted that the document has been misplaced.



W.P.No.31022 of 2023

4.It is seen that admittedly the petitioner has stated one version before the Registrar and another version before this Court and the petitioner neither had taken steps to comply with Proviso to Rule 55 (A) (i) of the Tamil Nadu Registration Rules nor taken the steps to obtain the original document from the said Perumal and produced the same. As per the Proviso 3 to Rule 55 A (i) of the Tamil Nadu Registration Rules in case the original document is lost or misplaced, he has to produce the non traceable certificate in the manner known to law and he has to follow the procedures as contemplated under proviso 3 to the said Rule but he has not followed the Proviso 3 to the abovesaid Rule 55 (A) (i) of the Tamil Nadu Registration Rules.

5.Under the above circumstances, this Court does not find any error or perversity or illegality in the impugned Refusal Slip passed by the second respondent. Accordingly, the writ petition is dismissed. However the petitioner is at liberty to comply with the Proviso 3 to the Rule 55 (A) (i) of the Tamil Nadu Registration Rules and present the document for registration before the Registrar, in case, he produces the document after



W.P.No.31022 of 2023

complying the abovesaid Proviso and if it is otherwise in order, the second respondent is directed to consider and register the same. No costs.

Index : Yes/No

20.11.2023

Internet : Yes/No

sms

To

1.District Registrar

Salem District,
Salem.

2.Sub Registrar

Gengavalli Sub Registrar Office,
Salem District.

P.VELMURUGAN,J.



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W.P.No.31022 of 2023

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