



W.P(MD)No.18006 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18006 of 2023

M.Muthaiyan

... Petitioner

Vs.

1.The Deputy Inspector General of
Registration (Trichy Zone),
Tamil Nadu Registration Department,
Trichy District.

2.The District Registrar,
The District Registration Office,
Trichy District.

3.The Sub Registrar,
Sub Registrar Office,
Musiri, Trichy District – 621 211.

... 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 third respondent to register the sale deed executed by the petitioner and his daughters in respect of S.No.458/2022 situated in Evoor, Kottur Village, Musiri Taluk, Trichy District by invoking Section 31 of the Registration Act.



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For Petitioner : Mr.M.Jegadeesha Pandian

For Respondents : Mr.K.Balasubramani,
Special Government Pleader

ORDER

Heard both sides.

2.The only question that calls for consideration is whether the petitioner can call upon the registering authority to register the document to be executed by him and his daughters at his residence. It is true that documents will have to be presented before the jurisdictional Sub Registrar at his office in normal circumstances. However, Section 31 of the Registration Act enables the registering officer to attend at the residence of the executant and accept the document for registration. But special cause must be shown. Section 31 of the Registration Act, 1908 is as follows : -

“31.Registration or acceptance for deposit at private residence. - In ordinary cases the registration or deposit of documents under this Act shall be made only at



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the office of the officer authorised to accept the same for registration or deposit:

Provided that such officer may on special cause being shown attend at the residence of any person desiring to present a document for registration or to deposit a will, and accept for registration or deposit such document or will.

The expression “special” has been defined as “exceptional character”, “out of the ordinary”, “peculiar” and “distinguished by some unusual feature” (P.Ramanatha Aiyer's Advanced Law Lexicon). The petitioner is a senior citizen. One of his legs has been amputated. He is suffering from paralysis. He is also having several other ailments. He is totally bedridden. Therefore, his condition does fall within the scope of Section 31 of the Registration Act. Any exceptional difficulty in personally presenting the document in the office of the Sub Registrar will constitute “special cause” within the meaning of the proviso to Section 31 of the Act.

3.The property is in Musiri. The petitioner is not residing within the limits of SRO, Musiri. Therefore, it is only the District Registrar who



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has to make the necessary arrangements. The procedure to be followed in this regard has been laid down in Rules 38 to 40 of the Registration Rules. They read as follows :

“38. An application for attendance at a private residence shall be his writing and shall, in all possible cases, be signed by the person on whose behalf attendance is required. It need not be stamped.

39. A requisition for attendance at a private residence shall be complied with as early as possible. If compliance would interfere with the regular business of the office or involve the closing of the office and if the case does not fall under the proviso to section 31 of the Act, a commission should, if practicable, be issued. Every such attendance by a Sub-Registrar or under his orders shall be reported to the Registrar within 24 hours.

40. A District Registrar may attend at a private residence situated within the limits of his district even though it may not lie within the subdistrict under his immediate charge; but a Sub-Registrar shall not proceed out of his sub-district for the purpose.”

4.The petitioner is directed to submit a fresh application to the second respondent setting out the date and time of when the parties will be present at his residence. The petitioner should give not less than four weeks time to the second respondent to make appropriate arrangements.



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It is not necessary that the second respondent should personally attend to the function. The second respondent can very well issue a commission to any official of the registration department to fulfil the formalities. The petitioner has to necessarily remit all the charges in advance.

5.On receipt of the application, the second respondent shall allow the same. The document to be executed by the petitioner and his daughters at the residence of the petitioner shall be duly accepted for registration. It shall be registered on the file of the third respondent. The petitioner of course has to fulfil the other usual formalities.

6.This writ petition is allowed. No costs.

11.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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- To
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G.R.SWAMINATHAN, J.

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