



W.P(MD)No.19248 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19248 of 2023

D.Mahalakshmi W/o.Duraisamy

... Petitioner

Vs.

The Sub Registrar,
Chathrapatti Sub Registrar Office,
Ottanchathiram Taluk,
Dindigul District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Refusal Check Slip in RFL/Chathirapatti/17/2023, dated 22.06.2023 and quash the same as illegal and consequently direct the respondent to register the sale deed dated 22.06.2023 presented by the petitioner for registration without insisting for the production of original parent document.

For Petitioner : Mr.G.Sridharan

For Respondent : Mr.V.Nirmal Kumar
Government Advocate



W.P(MD)No.19248 of 2023

ORDER

WEB COPY

Heard both sides.

2.The petitioner executed sale deed dated 22.06.2023 in favour of one Swaminathan conveying the petition-mentioned property. It was presented for registration. On the ground that parent deed was not produced in original, the registering authority declined to register the document. To that effect, the impugned refusal check slip was issued. Challenging the same, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.The learned Additional Government Pleader appearing for the respondents submitted that the impugned order is well reasoned and that it does not call for any interference.



W.P(MD)No.19248 of 2023

5.I carefully considered the rival contentions and went through the materials on record. The case of the respondent is that the parent document was not produced in original. The petitioner's case is that it was lost and Crime No.233 of 2022 was registered on the file of the Ayakudi Police Station, Dindigul District. Rule 55A of the Tamil Nadu Registration Rules is as follows :

"55A.(i) The registering officer before whom a document relating to immovable property is presented for registration, shall not register the same, unless the presentant produces the previous original deed by which the executant acquired right over the subject property and an Encumbrance Certificate pertaining to the property obtained within ten days from the date of presentation:

Provided that in case an encumbrance as to mortgage, orders on attachment of property, sale agreement or lease agreement exists over the property, the registering officer shall not register such document if the time limit for filing of suit is not lapsed, or No Objection Certificate is not granted by the appropriate authority or raising of the attachment is not done, as the case may be: Provided further that in case the previous original deed is not available as the property being an ancestral one, the registering officer shall not register such document, unless the presentant produce any revenue record evidencing the executant's right over the



W.P(MD)No.19248 of 2023

subject property such as patta copy issued by Revenue Department or tax receipt:

Provided also that 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 in the local Newspaper as to the notice of loss of the previous original deed:

Provided also that production of the previous original deed shall not be necessary where the Government or a Statutory body is the executant of the document or for such class of documents as may be notified by the Inspector General of Registration, from time to time.

6.The petitioner has to comply with the formalities set out in the second proviso. The petitioner is permitted to submit a formal request to the Inspector of Police, Ayakudi Police Station, Dindigul District along with a copy of this order for issuance of Non-Traceable Certificate in respect of the document that is said to have been lost (Doc No. 2631/2012 dated 17.12.2012). The jurisdictional police will conduct an enquiry and issue Non-Traceable Certificate within a period of three weeks from the date of receipt of submission of the application by the petitioner. The petitioner is permitted to re-submit the document along



W.P(MD)No.19248 of 2023

with the Non-Traceable Certificate from the jurisdictional police. Subject to the petitioner satisfying the other requirements set out in the second proviso of Rule 55-A of the Tamil Nadu Registration Rules, the sale deed executed by the petitioner will be received, registered and released.

7.This writ petition is disposed of accordingly. No costs.

03.11.2023

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No

pnn/skm

Note : Issue order today (28.11.2023)

To

The Sub Registrar,
Chathrapatti Sub Registrar Office,
Ottanchathiram Taluk,
Dindigul District.



W.P(MD)No.19248 of 2023

G.R.SWAMINATHAN, J

pnn/skm

Order made in
W.P(MD)No.19248 of 2023

Dated : 03.11.2023