



W.P(MD)No.25397 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25397 of 2023

M.Maranadu

... Petitioner

Vs.

The Sub Registrar,
Kariapatti Sub Registrar Office,
Kariapatti Taluk,
Virudhunagar 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 Impugned Order in Refusal in Na.Ka.No.198/2023 dated 13.10.2023 on the file of the Respondent herein and to quash the same as illegal and to direct the Respondent to register and release the Petitioner's settlement deed without insisting for the production of the original parent document within the time frame fixed by this Court.

For Petitioner : Mr.S.Sundaravadivel

For Respondent : Mr.S.RA.Ramachandran,
Additional Government Pleader.



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ORDER

Heard both sides.

2.The document presented by the petitioner for registration was returned on the ground that the parent document was not produced. The case of the petitioner is that it got lost. In such cases, the procedure set out in the Circular No.22482/C1/2022 dated 02.02.2023 has to followed. Clause 7(f) of the said circular reads as follows:-

“7.For registration of Will.

(f) If the property is purchased by the Father/Mother and after his/her intestate demise, if his/her legal heirs claim that the original document is with one of the . legal heirs and he/ she is refusing to handover the original deeds, then on a petition being made to that effect, an enquiry shall be conducted by an Officer not below the rank of the District Registrar by calling all the legal heirs concerned. In such cases even if any of the legal heirs fail to attend the enquiry or refuses to divulge the possession of original document, then the Enquiry Officer shall permit registration on getting sworn affidavit from the presentant and others who attend enquiry to that effect. The same exercise of getting sworn affidavit can be



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followed in cases where all the legal heirs submit that the original documents is not in possession of any others.”

3.The petitioner is permitted to resubmit the document for registration before the respondent. The respondent will refer the matter to the jurisdictional District Registrar. The jurisdictional District Registrar will hold enquiry as mentioned above. The decision to register or otherwise will depend upon the outcome of the said enquiry. The entire exercise shall be completed within a period of twelve weeks after the document is resubmitted.

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

15.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Sub Registrar,
Kariapatti Sub Registrar Office,
Kariapatti Taluk,
Virudhunagar District.

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G.R.SWAMINATHAN, J.

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