



W.P(MD)No.27925 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27925 of 2022

and

W.M.P.(MD)Nos.22009 & 22011 of 2022

Agalya

... Petitioner

Vs.

1.The District Registrar,
Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Palliyadi Sub Register Office,
Palliyadi,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to its proceeding in No. 4674/Aa1/2022, dated 09.11.2022 confirming the check slip of refusal issued by the second respondent bearing refusal No.RFL/Palliyadi/35/2022, dated 14.10.2022 and to quash the same and consequently, direct the respondents to register the sale deed executed by the petitioner on 14.10.2022 in favour of



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A.Rejina without insisting for the original parent document with regard to the property comprised in Survey No.168/12 admeasuring 2.250 cents of Nattalam “B” Village, Kanyakumari District.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner claims title over the property by inherence. Her father is said to have purchased the property. The petitioner's father himself had passed away in the year 1984. The original document is not available. In these circumstances, the petitioner seeks registration of the petition mentioned document without production of the original parent document. In such circumstances, the petitioner has to necessarily produce non-traceable certificate issued by the police department along with advertisement published in the local newspaper as to the notice of lost as to the previous original deed. Rule 55(a) of the Registration Act was inserted recently vide G.O.(Ms) No.129, dated 05.09.2022 is to that effect. Subject to fulfilment of said formality, the



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petitioner is permitted to re-present the document and the same shall be registered.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

27.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The District Registrar,
Nagercoil,
Kanyakumari District.

2.The Sub Registrar,
Palliyadi Sub Register Office,
Palliyadi,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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