



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.29886 of 2023

L.Meenakshy

... Petitioner

v.

The Sub Registrar,
4th Joint Sub Registrar,
Madurai South,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the respondent office proceedings pertaining to the Check Slip Memo RFL/4 Madurai South/281/2023 dated 12.12.2023 set aside the same as illegal consequently direct the respondent registrar to register the settlement document without insisting on the production of parent document.

For Petitioner : Mr.Henri Patrick Tiphange

For Respondents : Mr.C.Satheesh,

Government Advocate



WEB COPY

ORDER

Heard both sides.

2.The petitioner is a senior citizen. She presented the petition-mentioned settlement deed for registration before the respondent. The petitioner wants to settle the petition-mentioned property in favour of her daughter. On the ground that the parent deed was not produced, registration was refused. Challenging the refusal check slip issued by the respondent, this writ petition came to be filed.

3.When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the document had been stolen by one Paramasivan S/o. Palavesam and that in this regard, Crime No.23 of 2023 was registered on the file of the City Crime Branch, Madurai City and that the accused was arrested on 14.12.2023. In this regard, paper publication has already been made. Copy of the same has been enclosed in Page No.99 of the typed set of papers. The learned counsel for the petitioner submitted that since the original document is now in the custody of the accused, it is not possible for the petitioner to produce the same before the respondent.



WEB COPY

4. Production of the original deed is not possible. The petitioner is permitted to re-present the document. The respondent is directed to register the petition-mentioned settlement deed and release it subject to the fulfilment of the other usual formalities.

5. This writ petition is allowed on these terms. No costs.

15.12.2023

Index : Yes / No
Internet : Yes/ No
skm

Note : Issue order copy by 28.12.2023

To

The Sub Registrar,
4th Joint Sub Registrar,
Madurai South,
Madurai.



WEB COPY



G.R.SWAMINATHAN, J.

SKM

W.P.(MD)No.29886 of 2023

15.12.2023