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W.P.No.359 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.359 of 2024

R.Nagavalli

... Petitioner

Versus

1.The District Registrar,
Central Chennai Registration District,
Peters Road, Royapettah,
Chennai – 600 014

2.The Sub Registrar,
Kodambakkam Sub Registrar Office,
Kodambakkam, Chennai – 600 024

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records of the impugned order dated 24.05.2023 made in Refusal Check Slip RFL/Kodambakkam/149/2023 passed by the 2nd respondent, quash the same and consequently, direct the 2nd respondent without insisting the original partition deed Doc.No.1415/1986, dated 06.05.1986 to register the Sale Deed dated 23.01.2023 executed by the petitioner within a stipulated period.

For Petitioner : Mr. D. Murugan
For Respondents : Mr. R.U. Dinesh Rajkumar
Additional Government Pleader

ORDER



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This Writ Petition is filed for issuance of a simple writ of ceritorarified mandamus calling for the records of the impugned order dated 24.05.2023 made in Refusal Check Slip RFL/Kodambakkam/149/2023 passed by the 2nd respondent, quash the same and consequently, direct the 2nd respondent without insisting the original partition deed Doc.No.1415/1986, dated 06.05.1986 to register the Sale Deed dated 23.01.2023 executed by the petitioner within a stipulated period.

2. On perusal of the impugned refusal check slip shows that it was rejected only for not producing the original parent document. The grievance of the petitioner is that he lost the parental documents. Therefore, finding with no other efficacious alternative remedy, the petitioner has approached this Court for the above said relief.

3. As per Rule 55-A(1) of the Registration Act, it is mandatory to scrutinize the original parent documents for registration. Therefore, the petitioner was directed to comply with the proviso II to IV of Rule 55-A(1)



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of the Registration Act, as the case may be, by the respondents, but, he has not complied with the same.

4. Therefore, this Court does not find any perversity in the impugned order passed by the second respondent. Therefore, the Writ Petition is dismissed. No costs.

5. However, the petitioner is at liberty to comply with the above said proviso which ever applicable under Rule 55A(1) of the Registration Act and if the petitioner re-presents the document as per the said proviso, the respondent shall consider the same and after conducting enquiry, shall register the document if the same is otherwise in order.

09.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

klt

To:



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Central Chennai Registration District,
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Chennai – 600 014

2.The Sub Registrar,
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Kodambakkam, Chennai – 600 024



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P. VELMURUGAN, J.

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