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W.P. No.2428 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.2428 of 2024 and

W.M.P. No.2647 of 2024

G.Saraswathi

... Petitioner

Vs.

1. The Inspector General of Registration
No.100, Santhome High Road
Chennai – 600 028

2. The Assistant Registrar
The Assistant Registrar Office
Thanjavur

3. The Sub Registrar
The Sub Registrar Office, Nagapattinam

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus to call for the records of the 3rd respondent made in RFL/nakur/41/2023 dated 08.11.2023 and quash the same as “Null and Void” illegal and invalid and consequentially, direct the respondents to register the sale deed made in Sale Document No.TP/164380709/2023.

For Petitioner : Mr.D.Padmanabhan

For Respondents : Mr.Yogesh Kannadasan

Special Government Pleader

**ORDER**

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This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent made in RFL/nakur/41/2023 dated 08.11.2023 and quash the same as “Null and Void” illegal and invalid and consequentially, direct the respondents to register the sale deed made in Sale Document No.TP/164380709/2023.

2. The case of the petitioner is that the petitioner's husband had purchased the property in Survey No.5/5 situated at Vadakarai Village, Nagappattinam District from one Singaravel vide registered document No.5991 of 1988. After the death of her husband, all the records pertaining to the said property were mutated in her name. Thereafter, the petitioner offered to sell the property to one Mrs.Amudha and presented the sale deed for registration on 08.11.2023 before the 3rd respondent herein. But the 3rd respondent refused to register the same on the ground of non production of parent document. The learned counsel for the petitioner submitted that during Gaja Cyclone that took place in the year 2018, she lost the original parent



document including several valuable articles. The Tahsildar of Kudavasal has issued a certificate in OMU.2154/2023/AH dated 01.09.2023 certifying that the parent document registered as Doc. No.599/1988, was destroyed due to the Gaja Cyclone. The 3rd respondent, despite the receipt of the said certificate of the Tahsildar, has refused to register the sale deed. Hence, the present Writ Petition is filed challenging the refusal check slip issued by the 3rd respondent.

3. Mrs.V.Yamunadevi, learned Special Government Pleader takes notice for the respondents.

4. It is seen that since the original parent document was not produced, the 3rd respondent has issued the refusal check slip by following the Rule 55A of the Registration Act.

5. Though the learned counsel for the petitioner submitted that she had produced the certificate obtained from the Tahsildar, it is not a proper one. Third Proviso to Rule 55A (i) of the Registration Rules clearly says the procedures to be followed, if the original parent document is not able to be produced. But instead of following the procedures and representing the document, the petitioner has rushed to the Court challenging the refusal check



slip. Since the petitioner herself admitted that she did not produce the original parent document, this Court does not find any illegality or perversity in the refusal check slip issued by the 3rd respondent. Therefore, the petitioner is not entitled to the relief sought for in this Writ Petition.

6. Accordingly, this Writ Petitions is dismissed at the admission stage itself. No costs. However, the petitioner is at liberty to work out her remedy in the manner known to law.

05.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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1. The Inspector General of Registration

No.100, Santhome High Road

Chennai – 600 028

2. The Assistant Registrar

The Assistant Registrar Office

Thanjavur

3. The Sub Registrar

The Sub Registrar Office

Nagapattinam



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P.VELMURUGAN. J.

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