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WP.No.13844 of 2024

In the High Court of Judicature at Madras

Dated : 22.5.2024

Coram :

The Honourable Mr.Justice G.R.SWAMINATHAN

Writ Petition No.13844 of 2024

A.Perumayee

...Petitioner

Vs

1.The Inspector General of
Registration, 100, Santhome
High Road, Pattinapakkam,
Chennai-28.

2.The District Registrar,
Office of the District Registration,
313, III Floor, District Collector's
Office, Salem-1.

3.The Sub-Registrar, Office of
the Sub-Registrar, Periya
Mariyamman Koil Street,
Tharamangalam,
Salem District-636502.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceeding No. RFL/Tharamangalam/15/2024 dated 13.5.2024 issued by the 3rd respondent, quash the same as illegal and consequently direct the 3rd respondent to register the sale deed dated 13.5.2024 without insisting for the parent document.



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For Petitioner : Mr.S.Jeyakumar
For Respondents : Mr.D.Ravichandran, SGP

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

2. The petitioner claims title over the petition mentioned property on the strength of a settlement deed dated 08.2.1999 executed by her mother. The petitioner wanted to sell the property and a sale deed was executed by the petitioner on 13.5.2024 in favour of one Mr.Palanisamy. The document was presented for registration before the third respondent on the same day i.e on 13.5.2024. However, the third respondent declined to entertain the document on the ground that the parent deed was not produced in original. To that effect, the impugned refusal check slip was issued. Challenging the same, the above writ petition has been filed.

3. The learned counsel for the petitioner submits that the document is presently in the custody of her son-in-law. A copy of the complaint given before the jurisdictional police has been enclosed in the typed set of papers.



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4. The learned Special Government Pleader appearing for the respondents points out that to address the situation, Rule 55A of the Registration Rules provides a procedure.

5. In response, the learned counsel for the petitioner submits that the complaint given before the jurisdictional police was closed on the ground that it was civil in nature.

6. Taking note of all these aspects, this Court permits the petitioner to represent the document before the third respondent. The third respondent shall issue notice to the petitioner's son-in-law namely Mr.Thangaraj and hold an inquiry within a period of three weeks from the date of representation of the document. As rightly pointed out by the learned Special Government Pleader, the purpose of demanding production of the original parent document is to ensure that Section 22A of the Registration Act is not contravened. If the said Mr.Thangaraj appears before the third respondent and declines to part with the document, then the purpose is served. As already pointed out, the whole purpose of the inquiry is to ensure that the petitioner has title over the property. The inquiry shall be concluded within a period of two weeks thereafter.



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7. On the third respondent being satisfied that the original document is available, the represented document shall be registered subject to following other formalities. If the said Mr.Thangaraj appears before the third respondent and states that the document is not available with him, then the petitioner has to necessarily adhere to the procedure under Section 55A of the Registration Rules and the jurisdictional police is bound to issue a certificate one way or the other. The jurisdictional police cannot close the complaint filed by the petitioner on the ground that it was civil in nature.

8. With the above liberty to the petitioner and directions to the third respondent as well as the jurisdictional police, the writ petition is disposed of.

22.5.2024

To

- 1.The Inspector General of Registration, 100, Santhome High Road, Pattinapakkam, Chennai-28.
- 2.The District Registrar, Office of the District Registration, 313, III Floor, District Collector's Office, Salem-1.
- 3.The Sub-Registrar, Office of the Sub-Registrar, Periya Mariyamman Koil Street, Tharamangalam, Salem District-636502.



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