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W.P.No.22682 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22682 of 2024
and
W.M.P.No.24993 of 2024

T.T.K.Duraisingam

... Petitioner

VS.

1.The Inspector General of Registration,
No.100, Santhome High Road,
R.A.Puram
Chennai-600 028

2.The Joint Sub Registrar-I,
(District Registrar Cadre)
Chennai North
Chennai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 2nd Respondent dated 26.08.2022 and quash the same, subsequent to furnish the certified copy of the petitioner's parent Document No.137/1951 on the file of the 2nd Respondent herein.



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For Petitioner : Mr.G.Ranganathan

For Respondents : Mr.M.Shahjahan
Special Government Pleader

ORDER

Aggrieved by the order passed by the 2nd respondent negating the request of the petitioner seeking certified copy of his parent Document No.137/1951 on the file of the Joint Sub Registrar-I (District Registrar Cadre), Chennai North, the petitioner has filed this writ petition.

2. According to the petitioner, he is the owner of the property with an extent of 59 cents comprised in Old Survey No.82/2, New Survey No.86/2B and a property with an extent of 5 acres 81 cents comprised in Old Survey No.87/2A and New Survey No.87/2A2 situated in Okkiyam Thuraipakkam Village, Chennai. The same was purchased by the petitioner from one Dillibai through registered Sale Deed. The petitioner's vendor purchased the above mentioned property under Document No.137/1951 on the file of the 2nd respondent. The petitioner filed an application before the 2nd respondent on 23.03.2022 seeking certified copy of the Document No.137/1951. The application of the petitioner was returned by impugned order stating that Book No.1154 in which the Document No.137/1951 was available was sent



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to CBCID and therefore, the 2nd respondent could not furnish the certified copy. Aggrieved by the same, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner would submit that the 2nd respondent is having statutory power of registration over the geographical area assigned to him and when application for certified copy of the registered document is made, the 2nd respondent is not entitled to refuse the same.

4. Mr.M.Shahjahan, learned Special Government Pleader takes notice for the respondents, on instructions, would submit that the relevant book in which the document claimed by the petitioner is available was sent to CBCID on specific request and therefore, the 2nd respondent is not in a position to furnish the certified copy immediately. The learned Special Government Pleader also submits that if sufficient time is given to the 2nd respondent, he would get the relevant book from the CBCID Office and furnish certified copy to the petitioner.

5. The 2nd respondent who is exercising statutory power of



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registration, cannot refuse furnishing of certified copy on the ground relevant book handed over to Investigating Agency. Hence, the impugned order is not legally sustainable and the same is quashed.

6. In view of the specific stand taken by the learned Special Government Pleader appearing for the respondents, the 2nd respondent is directed to furnish certified copy of the Document No.137/1951 to the petitioner as per his application dated 23.03.2022, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition stands disposed of. No Costs. Consequently, the connected writ miscellaneous petition is closed.

12.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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