



W.P.No.20807 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 29..07..2024

Coram

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No.20807 of 2024

Mrs.Padmaja Prakash

..... Petitioner

-Versus-

- 1.Government of Tamil Nadu,
Rep. by its Secretary,
Department of Revenue and Disaster Management,
Secretariat, Chennai 600 009.
- 2.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.
- 3.The District Collector,
Chennai District,
62, Rajaji Salai, Beach Road,
George Town, Chennai 600 001.
- 4.The District Collector,
Salem District,
Fort Main Road, Salem 636 001.
- 5.The District Collector,
Tiruvallur District,
Chinna Ekkadu, Jaya Nagar,
Tiruvallur 602 001.



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6.The Tahsildar,
Salem Taluk,
Salem District.

7.The Sub Registrar,
T.Nagar Sub Registrar Office,
Anna Salai, Fanepet,
Nandanam, Chennai 600 035.

8.The Joint II Sub Registrar,
Chennai South Joint II Sub Registrar Office,
Anna Salai, Fanepet,
Nandanam, Chennai 600 035.

9.The Sub Registrar,
Salem West Joint III Sub Registrar Office,
Sivathapuram, Chengikottai,
Salem 636 307.

10.The Sub Registrar,
Manavalanagar Sub Registrar Office,
Melnallathur, Tiruvallur 602 002.

11.Sakthi Financial Services, Chennai,
Rep. by its Manager,
NO.12, Opp. Adayar Ananda Bhavan,
Mahatma Gandhi Road, Shastri Nagar,
Adayar, Chennai 600 041.

..... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 25.05.2024 and consequently directing the respondents to certify that the copies of the documents should be treated as if they were originals, since the originals were damaged due to a natural



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calamity during cyclone Michaung that hit Chennai and its suburbs in December, 2023, and affixing the original document stamp or seal in the place of the original documents, which were kept in the safety locker No. 1965 at the 11th respondent, Financial Services, and damaged.

For Petitioner : Mr.Kandhan Duraisami

*For Respondent (s) : Mr.S.J.Mohamhed Sathik,
Government Advocate for RR1,
3 to 6*

*: Mr.B.Vijay,
Additional Government Pleader
for RR2, 7, 8, 9 and 10*

ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the respondents to consider the representation of the petitioner dated 25.05.2024 and certify that the copies of the property documents and other personal documents issued by the public authorities may be treated as if they are originals as the originals were damaged in the flood during the cyclone Michaung that hit Chennai City and neighbouring three districts affixing the original document stamp or seal in the place of the originals, which were damaged when they were kept in the safety locker at the 11th respondent institution due to the inundation of flood water.



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2. The case of the petitioner in brief, as culled out from the averments made in the writ petition, is that she is a resident of Indira Nagar, Adayar, Chennai; she rented a locker facility at Sakthi financial services and kept her gold jewellery and other valuable articles in safe custody at the locker: she used to operate the locker facility depending upon necessity; during December 2023, a Michaung cyclone hit Chennai city and its suburbs; houses of citizens and their properties were flooded due to heavy rain fall; property documents and several other documents issued by central and state government authorities were soaked in the flood waters; in the calamity the office of the 11th respondent institution and safety lockers in which valuables and property documents were under the safe custody also flooded resulting in the documents were all soaked in the flood waters, and the documents were either smudged, faded or become unreadable. The 11th respondent by its letter dated 30.12.2023 certified the fact that property documents kept in the locker have all got damaged due to flood during cyclone Michaung.

3. The following are the details of the documents relating to various immovable properties situate at different areas in the State and personal document (death certificate) which have got damaged in the flood during cyclone Michaung in Chennai:-



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Sl.No.	Nature of Documents (Original/Certified Copy)	Pertaining to immovable property situate at
1	Original Sale Deed dated 09.04.1979 vide Doc.No.527 of 1979	T.Nagar, Chennai
2	Original Release Deed dated 04.01.1979 vide Doc.No.13 of 1979	T.Nagar, Chennai
3	Carbon Copy of Will executed by the mother-in-law of the petitioner dated 11.12.1995 vide Doc.No.3230 of 1995 with original Seal of the Sub Registrar	T.Nagar, Chennai
4	Original Settlement Deed dated 27.12.2021 vide Doc.No.3230 of 2021	Salem
5	Certified copy of partition deed dated 27.12.2021 vide Doc.No.3075 of 1940	Salem
6	Certified copy of sale deed dated 12.09.1947 vide Doc.No.620 of 1948	Salem
7	Original Will dated 13.07.1983 executed by the father-in-law of the petitioner vide Doc.No.37 of 1983	Salem
8	Original Sale Deed dated 23.12.1972 vide Doc.No.3472 of 1972	Kottivakkam, Chennai
9	Original Sale Deed dated 22.06.1964 vide Doc.No.1947 of 1964	Kottivakkam, Chennai
10	Original Sale Deed dated 10.11.2008 vide Doc.No.6183 of 2008	Nayapakkam, Tiruvallur
11	Power of Attorney Deed dated 17.10.2007 vide Doc.No.2185 of 2007	Nayapakkam, Tiruvallur
12	Extract of Death Certificate of Sikamani Certificate dated 26.12.1986	Salem

4. According to the petitioner, in a similar situation during 2015, the



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Government of Tamil Nadu issued a government order directing the authorities concerned to issue certified copies in lieu of the originals that were damaged in the flood. In those circumstances, she made a representation to the official respondents on 25.05.2024 requesting to issue certified copies of the deeds and documents in lieu of damaged original documents. The 10th respondent, by letter dated 10.06.2024 in Na.Ka.No.219/2024 issued a reply stating that if the government or the registration department issue any order to issue certified copies of deeds / documents in lieu of damaged originals due to flooding during Cyclone Michaung, they will issue certified copies at free of cost. However, there was no response from the other official respondents. The inaction on the part of the respondents in passing a similar order as the one they passed in 2015 is arbitrary and discriminatory.

5. Heard both sides.

6. During the last hearing, this court had directed the petitioner to produce the originals of the property documents. Accordingly, today, the learned counsel appearing for the petitioner produced the original property documents referred to above under Sl.No.1 to 4, 7 to 11 and the extract of death certificate of Sikamani Chetty dated 26.12.1986 referred to under Sl.No.12.

7. This court has carefully looked at those documents. It seems that the



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original property documents mentioned in the tabular column got damaged due to a flood. Some of the documents were partly damaged in the flood, while in some of the documents, the contents have been found to be smudged, unclear or unreadable.

8. This court, yet, in exercise of its power under Article 226 of the Constitution of India, cannot issue any positive direction to the official respondents concerned to issue certified copies in lieu of original documents with a seal that the original got damaged in the flood during cyclone Michaung in December, 2023 unless there is an order issued by the government to issue certified copies of documents, duplicate records, and certificates to flood-affected people, as it was done earlier in December, 2015.

9. Therefore, taking note of the situation that was prevalent in December 2023, due to cyclone Michaung, in which, almost the entire City of Chennai was devastated, the houses of people were inundated by flood waters, and the personal properties, including property documents, personal documents, records, and certificates of many of the people, were either damaged or destroyed due to the flood, this court is of the view that whenever a certified copy of the property document referred to above under Sl. Nos. 1 to 4 and 7 to 11 is produced along with the original document as it stands, the authorities



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concerned shall, after comparing both, act accordingly based on the certified copy of the document.

This writ petition is disposed of accordingly with the above directions.

No costs.

Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order
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Note: Original and certified copies of documents produced by the learned counsel for the petitioner have been returned to him immediately across the bar under an acknowledgement.

To

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Department of Revenue and Disaster Management,
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