



WEB COPY



W.P. No.23570 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.23570 of 2021

L. Aryokyasamy

.... Petitioner

vs.

1. The District Collector,
Chennai District.

2. The Tahsildar,
Guindy Taluk Office,
Guindy,
Chennai District.

3. The Tahsildar,
Mambalam Taluk Office,
Mambalam,
Chennai District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus directing the respondents to return the Original Sale Deed No.2696/1972 on the file of the Sub-Register Office, Sembiam which was handed over by the petitioner's father or issue a Non-Traceable Certificate to the petitioner by considering his representation dated 22.09.2021.



W.P. No.23570 of 2021

For Petitioner : Mr.M. Vijayaragavan
For Respondents 1 to 3 : Mr.S. Arumugam
Govt. Advocate

ORDER

This writ petition has been filed for direction to direct the respondents to return the original sale deed which was handed over by the petitioner's father and issue a Non-Traceable Certificate of the original sale deed.

2. The petitioner's father was a Burma Refugee. He came from Burma to India in the year 1971. He had purchased a vacant site vide Document No.2696 of 1972 dated 29.07.1972 to an extent of 2840 Sq.ft. While being so, Government of Tamilnadu had provided loan to the refugee in order to rehabilitation of the refugees. Accordingly, the petitioner's father by proceedings dated 20.07.1977 vide HLO.105/72-73 under the Burma Repatriates Scheme by mortgage the original title deed of the subject property in favour of the Government. The original title deed was also handed over to the Special Deputy Collector for Security purpose. Subsequently, the Government passed an order in



W.P. No.23570 of 2021

G.O.Ms.No.1153 dated 01.08.1988 to waive off the loan which was

sanction in favour of the Burma and Srinlankan refugees. Further directed the respective District Collectors to return the documents obtained from the loanees for security purpose at the time of disbursal of the loan. Though, the petitioner's father made request to return the original sale deed, it was not returned so far. While being so, the petitioner's father had also executed sale deed in favour of the petitioner dated 19.03.2004 registered vide document No.2327/2004. Thereafter, he died on 25.04.2004. The petitioner is being a settlee he is in possession and enjoyment of the subject property. He repeatedly submitted representation to return the original sale deed dated 29.07.1972. On receipt of the said representation, the first respondent by its communication dated 11.05.2015 informed the petitioner that the sale deed which was deposited by his father was not available in their records. Thereafter, the petitioner submitted repeated representations seeking for non traceable certificate.

3. Admittedly, the petitioner's father obtained loan. On perusal of the records revealed that the petitioner's father availed loan to the tune of Rs.4100/- on 20.07.1977 subsequently the said loan was reviewed by an



W.P. No.23570 of 2021

government order in G.O.Ms.No.1153 dated 01.08.1988. However, the petitioner was not returned original sale deed. On repeated request made by the petitioner, the first respondent replied that no documents available with their office.

4. In view of the above, the first respondent is directed to issue No Objection Certificate to the petitioner to deal with the subject property in pursuant to the sale deed dated 29.07.1972 registered vide document No.2696 of 1972 and settlement deed dated 19.03.2004 registered vide document No.2327/2004 within a period of four weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is disposed of. No costs.

26.04.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To

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W.P. No.23570 of 2021

G.K. ILANTHIRAIYAN, J.

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W.P. No.23570 of 2021

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