



W.P.No.34862 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34862 of 2023

E.Lakshmi
D/o.Elumalai

... Petitioner

versus

- 1.The Inspector General of Registration,
Office of Inspector of Registration,
No.100, Santhome High Road,
Chennai, Pin code – 600 028.
- 2.The Deputy Inspector General,
Department of Combined Registration Building,
Vepamara Street,Vellore Taluk & District,
Pin code – 632 001.
- 3.The District Registrar,
Office of Collectorate Building,
3rd Floor, Ranipet District,Pin code – 632 401.
- 4.The Sub-Registrar,
Sub Registration Office,
Kalavai Village,Ranipet District,
Pin code – 632 401.
- 5.The Authorized Officer,
Punjab National Bank,
No.769, 2nd Floor,Circle Sastra Center,
Spencer Plaza, Chennai,Pin Code – 600 002.

.....Respondents



W.P.No.34862 of 2023

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the fourth respondent to consider the petitioner's representation dated 28.11.2023 and to register the property of the petitioner, in the light of the common order in W.P.No.17403 of 2023, dated 29.08.2023 passed by this Court.

SCHEDULE OF PROPERTY

All the Pieces and Parcel of land bearing Old S.No.365 New S.No.365/2, Aalamara Street, Mambakkam Village, Arcot Taluk, Vellore District as per Patta No.180 in Mambakkam Village measuring an extent of 7172 sq.ft (666.54 sq.mt) together with building constructed thereon being

Bounded by

North : Aalamara street (old Othavadai street),

South : Natarajan's Vacant Land

East : Battai and Oyyara Thambiran Ponnurangam and others

West : Mrs.Sampoornammal's Vacant land

Lying within the Sub Registration and Registration District of Vellore

For Petitioner : Mr.Parigopal

For Respondents : Mr.A.Selvendran

Special Government Pleader

ORDER

Mr.A.Selvendran, learned Special Government Pleader accepts notice for the respondents. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the fourth respondent to consider the petitioner's



W.P.No.34862 of 2023

representation dated 28.11.2023, in and by which, she sought to register her property, in the light of the common order of this Court in W.P.No.8512 of 2023, etc., batch, dated 29.08.2023.

3. The case of the petitioner is that the petitioner emerged as a successful bidder in the E-auction conducted by the fifth respondent herein under the SARFAESI Act on 29.11.2022 and was favoured with a Sale Certificate for the property purchased by the petitioner in the said auction. While so, the petitioner taken steps to register the Sale Certificate, however, the fourth respondent without registering the said document, had issued refusal check slip dated 05.04.2023. In order to register the said property on behalf of the petitioner, the fifth respondent herein filed W.P.No.17403 of 2023. This Court by common order dated 29.08.2023 in W.P.No.8512 of 2023 etc. batch had given certain directions to the Registering Authority. Based on the directions of this Court, the petitioner appeared before the fourth respondent, but the fourth respondent declined to register the property. Challenging the same, the petitioner preferred an appeal before the respondents 2 and 3 and so far, no directions were issued by the respondents



W.P.No.34862 of 2023

2 and 3 to the fourth respondent. Since the petitioner has been made to run pillar to post, in order to register the property before the fourth respondent, she is constrained to file the present writ petition.

4. The learned counsel for the petitioner submitted that in the earlier occasion while disposing the writ petition in W.P.No.8512 of 2023 etc batch, this Court has given certain directions to the Registering Authority to register the document, even after the said directions, the respondents have refused to register the document and hence, the petitioner has filed the present writ petition.

5. The learned Special Government Pleader appearing for the respondents submitted that in the absence of original parent document, the Registrar or Sub-Registrar is unable to register the document and in the case relied on by the petitioner also, this Court has not given any specific directions to the Registrar or Sub-Registrar to register the documents, without the original parent documents. The petitioner has filed the present writ petition seeking a direction to the respondents to consider her



W.P.No.34862 of 2023

representation in the light of the common order passed by this Court in W.P.No.8512 of 2023, etc., batch dated 29.08.2023. He further submitted that the fourth respondent has issued a refusal check slip stating that original parent documents to be presented before the Registrar for registration and instead of producing the said document or challenging the said refusal check slip, the petitioner has filed the present writ petition, directing the respondents to consider his representation.

6. Heard both sides and perused the materials available on record.

7. It is seen that the authority concerned after perusal of the entire materials, issued refusal check slip directing the petitioner to present the original document, without complying with the said direction, the petitioner has filed the present writ petition. Further, on a perusal of the order of this Court in W.P.No.8512 of 2023 etc., batch dated 29.08.2023, it is seen that there is no specific directions to dispossessing the original parent document.

8. Further, Rule 55(A)(i) of the Registration Rules, clearly states that



W.P.No.34862 of 2023

the registering officer before whom documents relating to immovable property are presented for registration, the presentant has to produce the original deed and relevant documents, by which, the executant acquired right over the subject property. If they are not able to produce the same, they have to comply with the Provisos II to IV to Rule 55(A)(i) of the Registration Rules as the case may be. In the case on hand, the petitioner has not produced the document sought for by the Registering Authority or challenged the refusal check slip issued by the fourth respondent. Therefore, the petitioner is not entitled to get any relief as sought for in this writ petition and the petitioner is at liberty to work out his remedy in the manner known to law.

9. In view of the above, this Writ Petition is dismissed in-limine.

However, there shall be no order as to costs.

02.01.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

ms

Pg.Nos.6/8



W.P.No.34862 of 2023

WEB COPY

To

- 1.The Inspector General of Registration,
Office of Inspector of Registration,
No.100, Santhome High Road,
Chennai, Pin code – 600 028.
- 2.The Deputy Inspector General,
Department of Combined Registration Building,
Vepamara Street,
Vellore Taluk & District,
Pin code – 632 001.
- 3.The District Registrar,
Office of Collectorate Building,
3rd Floor, Ranipet District,
Pin code – 632 401.
- 4.The Sub-Registrar,
Sub Registration Office,
Kalavai Village,
Ranipet District,
Pin code – 632 401.
- 5.The Authorized Officer,
Punjab National Bank,
No.769, 2nd Floor,
Circle Sastra Center,
Spencer Plaza, Chennai,
Pin Code – 600 002.



WEB COPY



W.P.No.34862 of 2023

P.VELMURUGAN, J.
ms

W.P.No.34862 of 2023

02.01.2024

Pg.Nos.8/8