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W.P. No.36481 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.36481 of 2023

J.Pavadai

... Petitioner

Vs.

The Sub Registrar
Registration Department
Office of Sub Registrar, Bahour
Puducherry

... Respondent

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 relating to the order of refusal of the respondent in Ref.No.001/461294/SR(B)/RD/OR/2023 dated 04.12.2023 and quash the same as illegal and consequently to direct the respondent to register the settlement deeds dated 23.11.2023 by verifying the certified copy of the parent document and Encumbrance Certificate without insisting for original parent document.

For Petitioner : Mr.D.Senthil Kumar

For Respondent : Mr.M.Nirmal Kumar
Government Advocate (Puducherry)

**ORDER**

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This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the order of refusal of the respondent in Ref.No.001/461294/SR(B)/RD/OR/2023 dated 04.12.2023 and quash the same as illegal and consequently to direct the respondent to register the settlement deeds dated 23.11.2023 by verifying the certified copy of the parent document and Encumbrance Certificate without insisting for original parent document.

2. The contention of the petitioner is that the petitioner purchased some immovable properties vide registered sale deeds and Patta bearing Nos.836 and 1024 were also issued in favour of him by the Revenue Department, Puducherry. During renovation of his house, the original documents got misplaced and despite his best efforts, he could not trace out the same. Thereafter, when the petitioner decided to bequeath the properties to and in favour of his wife Mrs.Vasanthi, he prepared three settlement deeds dated 23.11.2023 and presented the same before the respondent for registration with photocopy of the parent document and he also paid the necessary stamp duties. But the respondent refused to register the said settlement deeds stating



that non availability of link & original documents for further verification.

Hence, the petitioner was constrained to file the present writ petition.

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3. As per the directions of this Court dated 04.01.2024, the respondent has filed the counter affidavit.

4. Heard and perused the materials available on record.

5. The reasons mentioned in the order of refusal are that the extent mentioned in the photocopy of the link/parent document is higher than the extent of land mentioned in the Revenue Records and that the link document(s) and original document are not produced for further verification. However, the order of refusal is not a final one.

6. Therefore, the petitioner is directed to produce the original parent document to the respondent for verification within a period of ten days from the date of receipt of a copy of this order and on receipt of the same, within a period of two months thereon, the respondent shall issue notice to the petitioner and rival claimants/objectors if any as the case may be and conduct



enquiry and after completion of enquiry, if the Registrar finds that the petitioner is otherwise eligible and the documents are otherwise in order and without any legal impediment, he shall register the documents and pass orders on merits and in accordance with law.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

18.01.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



To

The Sub Registrar
Registration Department
Office of Sub Registrar, Bahour
Puducherry

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P.VELMURUGAN. J.

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