



W.P.(MD)No.2930 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 12.02.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.2930 of 2024

Ganesan

...Petitioner

/Vs./

1.The Inspector General of Registration,
No.100, Santhome High Road,
Mylapore, Chennai – 4.

2.The Sub Registrar Joint II,
Sub Registrar Office,
Tenkasi.

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein pertaining to his proceedings in RFL/No.2 Joint Sub Registrar Tenkasi / 2 / 24 dated 04.01.2024 and quash the same, consequentially direct the 2nd respondent herein to register the sale deed dated 10.11.2023 and return the same to the petitioner.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate



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ORDER

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This writ petition has been filed challenging the proceedings of the second respondent in RFL/No.2 Joint Sub Registrar Tenkasi / 2 / 24 dated 04.01.2024 with a consequential direction to the second respondent herein to register the sale deed dated 10.11.2023 and return the same to the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court. By consent of both parties, this writ petition is disposed at the stage of admission itself.

3. The case of the petitioner is that the subject property belonged to the petitioner's grandfather, which was inherited through oral partition and thereafter the petitioner's father executed a registered will dated 10.12.2004 in favour of the petitioner. Patta was also mutated in the name of the petitioner and the property was also subdivided. The petitioner executed a registered exchange deed in favour of one A.Ramachandran. Since the petitioner executed a mortgage deed in respect of another property, the original registered will dated 10.12.2004 is in the hands of the bank, where the property was mortgaged. In regard to the same, the petitioner has also got a letter from the bank acknowledging that the registered will is in the custody of the bank.



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4. It is the further case of the petitioner that when the petitioner presented a document for registration, the second respondent did not register the same and hence, the petitioner filed a writ petition before this Court in WP(MD)No.32665 of 2023 seeking for a direction to the second respondent to register the deed. Pursuant to the order, the second respondent issued the impugned refusal check slip stating that the petitioner shall produce the original title deed to prove the ownership over the subject property. Challenging the same, the present writ petition has been filed.

5. The learned Government Advocate appearing for the respondents submits that as per the Circular issued by the Inspector General of Registration in Circular No.25600/C1/2018 dated 02.11.2018,, if a person wants to register any document on the basis of any will, the registering authority has to mandatorily verify the source document, by which the person got title over the property. He further submits that without enclosing the relevant source documents, the registration cannot be done. In the case on hand, the petitioner has not produced any source document to prove his ownership of the subject property.



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6. Considering the facts and circumstances of the case and also considering the submissions made by the learned Government Advocate, this Court directs the petitioner to produce all the relevant certified copy of source documents in respect of the subject property to prove his ownership, on receipt of which, the respondents shall consider and decide as to whether the registration can be done or not and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter.

7. With the above direction, the Writ Petition stands disposed of. No costs.

12.02.2024

NCC : Yes/No

Index : Yes/No



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TO:-

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No.100, Santhome High Road,
Mylapore, Chennai – 4.
- 2.The Sub Registrar Joint II,
Sub Registrar Office,
Tenkasi.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.2930 of 2024

Dated:
12.02.2024