



W.P(MD)No.4086 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4086 of 2023

D.Saravanan

... Petitioner

Vs.

1. Inspector General of Registrar,
Office of Inspector General of Registration,
No.100, Santhome Highway,
Chennai-600028.

2. The Sub Registrar,
Trichy Joint-I,
Trichy Joint-I Sub Registrar Office,
Trichy Court Campus, Contonment,
Trichy-620 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to register the sale deed and construction agreement vide TP/137129168, TP/137125805, TP/137128010, TP/137133122, TP/137128416, TP/137129290, TP/137128701, TP/137136403 presented by the petitioner for registration based on the petitioners representation dated 13.01.2023, without insisting the production of original sale deed Doc. No. 4695/1997 dated 12.12.1997, the original Power of Attorney dated 30.10.2009 registered under Doc.No. 1801/2009 dated 30.10.2009.



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For Petitioner : Mr.C.Peranban

For Respondents : Mr.D.S.Neduncheziyan
Government Advocate

ORDER

Heard both sides.

2. The petitioner is neither the owner nor the purchaser. He is the developer of the property. The petitioner's grievance is that the registering authority is insisting on production of the parent deed in the case of every sale deed executed by the various apartment owners. One such apartment owner filed W.P.(MD)No.3085 of 2023. The said writ petition was disposed of by me today in the following terms:-

“2. The petitioner wants to alienate the petition mentioned property. The petitioner is owning an apartment and she is also having undivided share in the land. She wants to convey the same in favour of the third party. The grievance of the petitioner is that the registering authority is insisting on production of the original document. I wanted to know from the petitioner as to what happened to the original document. It is stated that the original document was deposited with the financier by name T.Ramesh. The said financier is not parting with the document and that is why, the petitioner is unable to produce the same before the registering authority. The petitioner undertakes that in the sale deed to be presented, there will be a clear recital setting out this fact. This undertaking is recorded. The petitioner is permitted to present the document with the aforesaid recital explaining as to what happened to the parent document. There upon, the second respondent shall receive the same and register it and release it subject to fulfillment of other



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usual formalities. The petitioner should of-course enclose the certified copy of the parent document.

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3. With this direction, the Writ Petition is allowed. No costs.”

It is directed that whenever sale deeds are presented by the other apartment owners, they will be dealt with by the registering authority in the same manner as laid down in W.P.(MD)No.3085 of 2023.

3. The Writ Petition is disposed of accordingly. No costs.

13.03.2024

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 20.03.2024.

To

1. Inspector General of Registrar,
Office of Inspector General of Registration,
No.100, Santhome Highway,
Chennai-600028.

2. The Sub Registrar,
Trichy Joint-I,
Trichy Joint-I Sub Registrar Office,
Trichy Court Campus, Contonment,
Trichy-620 001.



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G.R.SWAMINATHAN, J.

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