



Rev.Apl.W(MD)No.33 of 2024
in
W.P.(MD)No.30921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Rev.Apl.W(MD)No.33 of 2024
in
W.P.(MD)No.30921 of 2023

Vellaiswamy

... Petitioner

Vs.

1.The District Registrar (Administration)
O/o the District Registrar,
Karur,
Karur District.

2.The Sub Registrar,
Velliyanai,
Karur District.

3.Uma Maheswari

4. The Inspector of Police,
Vellaiyanai Police Station,
Karur District.

(R4 is impleaded vide order dated
06.03.2024 in W.M.P.(MD)No.4407 of 2024) ... Respondents

PRAYER: Petition filed under Order 47 Rule 1 & 2 r/w Section 114 of
C.P.C., praying to review the common order dated 22.12.2023 in W.P.
(MD)Nos.30921 of 2023.



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For Petitioner : Mr.K.N.Guru

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate for R1 & R2

: Mr.J.Sulthan Basha for R3

ORDER

Heard both sides.

2. The petitioner executed the settlement deed in favour of his son Ramakrishnan. The document was presented for registration. Since the parent document could not be produced, registration was refused. The petitioner filed W.P.(MD)No.30921 of 2023. The writ petition was disposed of by calling upon the petitioner to fulfil the requirements set out in the third proviso to Rule 55-A of the Registration Rules. Seeking review of the said order, dated 22.12.2023 passed by this Court, the present review application has been filed.

3. The learned counsel appearing for the petitioner submitted that the original document is with the daughter namely the third respondent. She refused to part with the same and therefore, complying with the third proviso to Rule 55-A will not arise at all. He called upon this Court to



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adopt the approach set out in the order dated 19.12.2023 in W.P.(MD)No. 30167 of 2023. I wanted to know if the document is with the third respondent. The third respondent is represented by her counsel. He categorically stated before this Court that the original document is not with her. The learned counsel would further add that the document was with Vinoth Kumar from whom the petitioner had availed some loan. This is of-course denied by the petitioner. I therefore have to proceed on the premise that the parent document is presently not traceable. The petitioner is given liberty to approach the fourth respondent herein namely Inspector of Police, Vellaiyanai Police Station. As and when the application for issuance of non-traceable certificate is submitted, the fourth respondent will conduct enquiry and issue non-traceable certificate as sought for subject to fulfillment of other formalities set out in the 3rd proviso to Rule 55 A. If the Inspector of Police, Vellaiyanai Police Station is of the view that the document is with Vinoth Kumar, he shall issue a certificate to that effect. In other words, the certificate or report to be given by the Inspector of Police, Vellaiyanai Police Station will reflect to the outcome of the enquiry. Even if the document is with the financier, that need not come in the way of concluding the



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registration. The decision laid down by the Hon'ble Division Bench in **Ramayee Case** will come to the petitioner's rescue. In any event, the registering authority will receive the document, register it and release it subject to fulfillment of other usual formalities.

4. The Review Application is disposed of accordingly. No costs.

19.03.2024

Index : Yes/No
Internet : Yes/No
rmi

To

1.The District Registrar (Administration)
O/o the District Registrar,
Karur,
Karur District.

2.The Sub Registrar,
Velliyanai,
Karur District.



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G.R.SWAMINATHAN, J.

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