



W.P(MD)No.7502 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7502 of 2024
and
W.M.P(MD)No.6883 of 2024

Hemavathi

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai.

2.The Joint Sub Registrar Office,
Thanjavur,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip issued by the second respondent bearing its No. RFL/1 No. Joint Sub-Registrar Thanjavur/14/2024 dated 31.01.2024 and quash the same and consequently direct the second respondent to register the gift deed



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presented on 31.01.2024 for registration without insisting for production of the original parent deed.

For Petitioner : Mr.P.Edin Brough

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

Heard both sides.

2.The petitioner wants to settle the petition mentioned property in favour of her third son. When it was presented for registration, the registering authority returned the same on the ground that the parent document was not produced. It appears that the original document is with the first son. The petitioner is permitted to re-present the document along with the application setting out the whereabouts of the document. If according to the petitioner, the documents is with the first son, notice will be sent by the registering authority to the first son. If the first son does not appear in response to the notice or he appears and decline to produce the document, the registration can very well go on. If the first son appears and states that the document is not with him, then the



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petitioner has to go before the jurisdictional Police obtain Non Traceable Certificate as per the III Proviso and thereafter move the second respondent. In such an event, the document will be registered and released subject to the fulfilment of the other usual formalities.

3.With this liberty to the petitioner and direction to the second respondent, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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Santhome High Road,
Santhome,
Chennai.

2.The Joint Sub Registrar Office,
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G.R.SWAMINATHAN, J.

MGA

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