



W.P(MD)No.16335 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16335 of 2024

Sundarraaj

... Petitioner

Vs.

- 1.The State represented by
The Inspector General of Registration,
No.100, Santhom High Road,
Mayilapore,
Chennai – 28.
- 2.The Deputy Inspector General of Registration,
South Division,
Madurai Integrated Registration Office,
Rajakambeeram,
Y.Othakadaai,
Madurai.
- 3.The District Registrar (Admin),
O/o.The District Registrar,
Madurai North,
Rajakambeeram,
Y.Othakadaai,
Madurai.
- 4.The Sub Registrar,
O/o.Y.Othakadaai Sub Registrar Office,
Y.Othakadaai,
Madurai.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to receive the application No.S01LANVVD202407128316998 dated 12.07.2024 presented for the registration of mortgage deed in pending document No.TP/187829198/2024 and further directed to registered and release the same within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

Heard both sides.

2.The petition mentioned property is said to have been settled in favour of the petitioner on 31.10.2019 by his brothers. The petitioner now wants to mortgage the property. The settlement deed dated 31.10.2019 is not available with the petitioner. The registering authority had clarified that if the original document is not produced, registration will be refused. In this background, this writ petition has been filed.

3.I wanted to know from the petitioner as to what happened to the settlement deed. The petitioner categorically asserts that the original document is presently with his brother Selvam.



W.P(MD)No.16335 of 2024

4.Taking note of the said submission, this writ petition is disposed of in the following terms:

a) The petitioner is permitted to present the document for registration.

b) The fourth respondent will receive the document and issue notice to Thiru.Selvam. On the enquiry date, if Selvam appears and informs the registering authority that the document is very much with him, then it is open to the fourth respondent herein to proceed with the registration formalities. If Selvam fails to appear or states that the document is not with him, then the petitioner has to obtain a Non Traceable Certificate and comply with other formalities set out in Rule 55(A).

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

22.07.2024

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



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To

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G.R.SWAMINATHAN,J.

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