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W.P.(MD)NO.16704 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16704 of 2024

Karpooravalli

... Petitioner

Vs.

The Sub Registrar,
Uraiyur,
Tiruchirappalli District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records pertaining to the respondents in refusal No.RFL/Uraiyur/120/2024 dated 05.07.2024 and quash the same as illegal, consequently direct the respondent to register the settlement deed dated 05.07.2024 presented by the petitioner for registration on 05.07.2024 in respect of the property in survey No.75/5 for an extent of 53.27 cents situated at Marudandakurichi Village, Srirangam Taluk, Tiruchirappalli District within a time frame.

For Petitioner : Mr.C.Suresh Kannan

For Respondent : Mr.B.Saravanan,
Additional Government Pleader.

* * *



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ORDER

Heard the learned counsel on either side.

2. The petitioner presented the petition mentioned settlement deed for registration. The petition-mentioned property was purchased by the petitioner's husband and mother in the year 1972. The petitioner states that the original document is being retained by her brother-in-law. On the ground that the original document has not been produced, registration was refused. It has been held in *W.P.(MD) No.19745 of 2020 dated 11.02.2021 (Sivanadiyan V. The Sub Registrar)* that the registering authority cannot insist upon production of the original document. The petitioner has come with a specific plea that the original document is very much with her brother-in-law and he refused to part with the same.

3. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the document. The petitioner however has to produce the following three documents:-

a) death certificate of her mother and husband,



b) their legal heir certificate and

c) encumbrance certificate up to ten days prior to the date of representation.

Upon receipt thereof, the respondent shall register the document in question and release the same subject to fulfilment of the other usual formalities. This writ petition stands disposed of. No costs.

24.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The Sub Registrar,
Uraiyur,
Tiruchirappalli District.



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G.R.SWAMINATHAN,J.

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