



W.P(MD)No.18245 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18245 of 2024

Saroja

... Petitioner

Vs.

The Sub Registrar,
Kazhugumalai,
Tenkasi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent herein to register the document to be executed by the petitioner without insisting the original registered settlement deed bearing document number.714 of 2021 dated 03.03.2021 in respect of the property comprised in survey No.1374/8 measuring 4 cents (163 Sq.m) in Vellakulam Village, Thiruvengadam Taluk, Tenkasi District, within a time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondent : Mrs.D.Farjana Ghoushia
Special Government Pleader



W.P(MD)No.18245 of 2024

ORDER

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This writ petition has been filed for directing the respondent to register the document to be executed by the petitioner without insisting on production of the original registered settlement deed dated 03.03.2021 (Document No.714/2021).

2.In normal circumstances, the writ petition would have been dismissed as premature. The Writ Court would entertain the writ petition only if registration has been refused or not processed. But the learned counsel for the petitioner states that it had been orally indicated to the petitioner that registration will not be entertained if the aforesaid document is not produced. The said document was executed by none other than the petitioner's husband. The petitioner's husband is still alive. It is not as if the petitioner's husband has given complaint against the petitioner. The case of the petitioner is that the said document dated 03.03.2021 is presently missing. The petitioner has given a police complaint as well as paper publication. The grievance of the petitioner is that the police are not issuing non traceable certificate. The petitioner is aged about 66 years and there is urgency in the matter. In *Sivanadiyan Vs. The Sub Registrar, Pudukottai (2021 (2) CTC 526)*, it was held that the registering authority should not insist on production of the parent deed.



W.P(MD)No.18245 of 2024

WEB COPY

3.In this view of the matter, if any document is presented by the petitioner, it shall be entertained by the respondent without insistence on production of the parent deed in original.

4.With this observation in favour of the petitioner, the writ petition is disposed of. No costs.

01.08.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

The Sub Registrar,
Kazhugumalai,
Tenkasi District.



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W.P(MD)No.18245 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.18245 of 2024

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