



W.P(MD)No.24879 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24879 of 2023

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... Petitioner

Vs.

1.The District Registrar,
Integrated Complex of Registration Department,
Madurai-625 107.

2.The Sub Registrar,
Sub Registrar Office,
Alanganallur,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to register a sale deed of the petitioner in Temporary File Number No. TP/158643156/2023 dated 07.09.2023 based on the petitioner's representation dated 11.09.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Bazeerdeen

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 & R2



W.P(MD)No.24879 of 2023

ORDER

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Heard both sides.

2. The petitioner wants to sell the petition mentioned property. Patta stands in the name of the petitioner. The petitioner's case is that the original document was with his father and that following his demise, its whereabouts are not known. The petitioner is directed to apply for and produce EC before the registering authority. If from the EC, it is evident that the petitioner has not dealt with the property, the registering authority is directed to accept the document for registration and conclude the registration formalities. A learned Judge of this Court in the decision reported in **2021 2 CTC 526 (Sivanadiyan Vs. The Sub Registrar, Pudukottai)** had held that the registering authority shall not insist on furnishing the parent document in original.

3. In this view of the matter, the petitioner is permitted to present the document for registration. He must also furnish the encumbrance certificate. The second respondent shall register the document and release it subject to fulfilment of other usual formalities. The second respondent will not insist on production of the original parent deed.



W.P(MD)No.24879 of 2023

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4. The Writ Petition is allowed on these terms. No costs.

22.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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Integrated Complex of Registration Department,
Madurai-625 107.

2.The Sub Registrar,
Sub Registrar Office,
Alanganallur,
Madurai District.



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G.R.SWAMINATHAN, J.

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