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W.P.No.1666 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.1666 of 2025

P.Seladurai

...Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalai Puram,
Chennai - 600 028.

2. The Sub-Registrar,
Kaniyur Sub-Registrar Office,
33, Kadathur Road, Kaniyur,
Udumalaipettai (Taluk),
Tirupur District - 642 203.

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the respondents to register the sale deed document in respect of the property situated at Survey Number.97/3 and sub-divided Survey No.97/3B1C as per Patta Number 2038 measuring to an extent of 63 cents of land situated at Vedapatti Village, Madathukulam Taluk, Tiruppur District, without insisting original Document No.3516/2019 as well as Non-Traceability Certificate based on the petitioner's representation dated 09.12.2024.



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For Petitioner : Mr.S.Lakshmi Narayanan

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

The above Writ Petition has been filed seeking a mandamus to the respondents to consider the petitioner's representation dated 09.12.2024.

2. It is the case of the petitioner that:-

(i) The petitioner is the absolute owner of the property situated in Survey No.97/3 and sub-divided Survey No.97/3B1C as per patta Number 2038 measuring to an extent of 63 cents of land situated at Vedapatti Village, Madathukulam Taluk, Tiruppur District. He had purchased above mentioned property through the sale deed executed by Mr.Elangovan and Mrs.Tamilselvi by virtue of the sale deed dated 25.09.2019 registered as Doc.No.3516 of 2019. After that, he was in possession and enjoyment of the above said properties.

(ii) The petitioner would submit that originally the above properties were owned by his vendor Mr.Elangovan and



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Mrs.Tamilselvi by virtue sale deed dated 16.09.2019 in Doc.No.3357 of 2019. Thereafter, the petitioner had proposed to purchased the above properties and they found no encumbrances in the Encumbrance Certificate. Hence, they proceeded with purchasing the above properties.

(iii) The petitioner would submit that on 26.11.2024, the petitioner had entered into an agreement in respect of the above mentioned scheduled property and had approached the 2nd respondent with a request to register the sale deed document in respect of the scheduled mentioned property without insisting original Doc.No.3516 of 2019 as well as Non-Traceability Certificate. However, the respondents did not register the document. Therefore, the petitioner has knocked the doors of this Court.

3. Heard the learned counsels on the either side and perused the records.

4. This Court has time and again directed the Registering Authorities



to confine exercise of their powers within the parameters set out under Sections 34 (3) of the Registration Act and Section 22-A of the Registration Act, which is inserted by the Tamil Nadu Act 48 of 1997. Further, this Court in the judgment of *P.Pappu Vs. The Sub Registrar, Rasipuram in W.A.No.1160 of 2024*, upon relying on earlier judgment in *M.Ariyanatchi and another Vs. The Inspector General of Registration , Chennai and another in W.A.(MD) No.856 of 2023*, had held that the production of original documents need not be insisted, particularly, in cases where the document is lost and the petitioner had produced a certified copy of the original document. That apart, the veracity of the document can be easily examined by the respondent by calling for records from the other Registering Authority.

5. Further in the case of *Ramayee Vs The Sub Registrar and others - (2020 (6) CTC 697)*, the role of the registering authorities while considering a document for registration is to verify its execution, identity of the executant or the agent/ representative assigned etc., and the registering authority cannot go into the question of title.



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6. Accordingly, the Writ Petition is allowed. The respondents are directed to consider the petitioner's representation dated 09.12.2024. within a period of two (2) weeks from the date of representation by the petitioner. No costs.

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The Inspector General of Registration,
100, Santhome High Road,
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2. The Sub-Registrar,
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