



W.P.No.3601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.3601 of 2025

B.Senthil Kumar

... Petitioner

Vs.

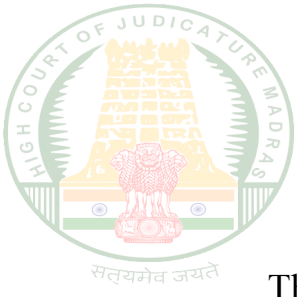
1.The Joint Sub Registrar - 1
Registration Office
Tiruppathur 635 601
Tiruppathur District

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to register the sale deed dated 24.01.2025 executed by the petitioner on basis of certified copy of the Will deed No.11 / 1982 issued by the respondent's own office pertaining to petitioner's property comprised at Tiruppathur District, Tiruppathur Town vide Id survey No.689 and new survey No.689/2, follwing the rulings made by division bench of this Court in Writ Appeal No.1160 of 2024.

For Petitioner : Mr.S.Deivasigamani

For Respondent : Mr.K.Karthick Jagannath
Government Advocate



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ORDER

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This Writ Petition has been filed for the issue of mandamus directing the respondent to register the sale deed dated 24.01.2025 executed by the petitioner, within the time frame fixed by this Court.

2.Heard Mr.S.Deivasigamani, the learned counsel appearing on behalf of the petitioner and Mr.K.Karthick Jagannath, the learned Government Advocate appearing for the respondent.

3.The petitioner is claiming right and title over the property by tracing it to the sale deed dated 24.02.1944 registered as document No.1405 of 1944, registered Will dated 31.03.1991 registered as document No.11 of 1982 and the settlement deed dated 07.12.2011 registered as document No.13630 of 2011. According to the petitioner, the original Will is not available and certified copies are available and inspite of the same, the respondent is refusing to register the document on the ground that the petitioner has not produced the original document.

4.This Court has repeatedly held that production of original title document



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is not mandatory for registration of document. It has been held that it cannot be a ground to deny registration. Useful reference can be made to the latest judgement of the Division Bench of this Court in ***[M.Ariyanatch and another Vs. The Inspector General of Registration and another]*** reported in ***2024 3 MLJ 55***.

5.On carefully reading the third proviso to Rule 55A of the Tamil Nadu Registration Rules, 1949, it is seen that wherever the original document is lost, the requirements under that proviso must be satisfied in order to entertain the document and register the same. Hence, it will suffice if the petitioner is directed to satisfy that requirement and present the document for registration.

6.In the light of the above discussion, the petitioner is directed to re-present the document before the respondent along with an affidavit mentioning the fact that the original title document has been lost and the same is not able to be traced. The petitioner shall also enclose the newspaper advertisement issued regarding the loss of document and the intention of the seller of the property to



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N. ANAND VENKATESH, J.

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convey the property. On fulfilling these conditions, the respondent shall entertain the document and register the same, if it is otherwise in order.

7.This writ petition is disposed of with the above directions. No costs.

04.02.2025

Index : Yes / No
Neutral Citation

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To.

The Joint Sub Registrar - 1
Registration Office
Tiruppathur 635 601
Tiruppathur District

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