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WP.No.38734 of 2024

In the High Court of Judicature at Madras

Dated : 06.1.2025

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38734 of 2024

Mrs.Shamsunnisa Begum

...Petitioner

Vs

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Pattinapakkam, Chennai-28.

2.The District Registrar,
Thiruppathur District,
IV Floor, Collector Office,
Tiruppathur-635601.

3.The Sub-Registrar,
Registration Office,
Cutchery Road, Vaniyambadi.
635751. Tiruppathur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 29.11.2024 and pass an order directing the third respondent to proceed towards registration of the petitioner's property following the rulings dated 27.9.2024 made by the Division Bench of this Court in W.A.No.1160 of 2024 within a time frame fixed by this Court.



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For Petitioner : Mr.S.Deivasigamani
For Respondents : Mr.Shahjahan, SGP

ORDER

Seeking a direction to the first respondent to consider the petitioner's representation dated 29.11.2024 and to pass orders directing the third respondent to register the sale deed presented by the petitioner in respect of an open ground measuring 1,440 sq.ft. at Netaji Nagar, Behind TNEB Office, Vaniyambadi after following the judgment of the Division Bench of this Court in the case of ***P.Pappu Vs. Sub-Registrar, Rasipuram, SRO [W.A.No.1160 of 2024 dated 27.9.2024]***, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for the respondents.

3. The brief facts leading to filing of this writ petition are as follows :

(i) The petitioner purchased the subject property vide sale deed dated 30.9.1981 registered as doc.No.2530 of 1981 on the file of the third respondent. She is a septuagenarian and on 25.11.2023, while she was travelling in an auto rickshaw, she lost the original sale deed pertaining to the subject property. Despite best efforts of herself and



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her family members, they were not able to trace the original sale deed.

(ii) That being so, in the month of December 2023, the petitioner had to meet urgent family expenses, for which purpose, she had to sell the subject property. Pursuant to that, she approached the third respondent to register the sale deed. However, the third respondent denied registration on the ground of non production of the original title deed and further insisted on the production of a non traceable certificate. Hence, the petitioner filed a complaint dated 27.2.2024 before the Inspector of Police, Town Police Station, Vaniyambadi seeking to issue a non traceable certificate and it was assigned C.S.R. No.93 of 2024. But, to date, the said complaint has not been processed nor a non traceable certificate has been issued.

(iii) In the meanwhile, a Division Bench of this Court rendered the said judgment. Hence, the petitioner sent a representation dated 29.11.2024 to the first respondent with a copy to respondents 2 and 3 seeking to direct the third respondent to register the sale deed with regard to the subject property and it has not yet been considered. Hence the writ petition.

4. In this writ petition, the petitioner has sought a direction to the first respondent to consider the representation dated 29.11.2024.



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5. In the light of the aforesaid pronouncement of the Division Bench of this Court in **W.A.No.1160 of 2024 dated 27.9.2024** and another judgment of the Division Bench of this Court in the case of **N.Ramayee Vs. Sub-Registrar [reported in 2020 (6) CTC 697]**, the Registering Authorities have been directed to register the document presented without insisting on the production of original parent documents since their powers have been circumscribed by the provisions of Section 34 and the right of refusal to Section 22A of the Registration Act.

6. The Authority concerned is the third respondent and not the first respondent.

7. In the light of the above, the writ petition is allowed and a Mandamus is issued to the third respondent to register the sale deed presented by the petitioner within two weeks from the date of its representation without insisting upon the production of the original parent document or the non traceable certificate. No costs.

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P.T.ASHA,J

RS

To

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