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W.P.No.159 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.159 of 2025

Zaibunnisa Begum @ Zaib Basheer

... Petitioner

Vs

1. Sub-Registrar,
South Chennai Joint- I,
Office of the Sub-Registrar,
Chennai.

2. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to register and release the settlement deed dated 29.10.2024 executed by the petitioner bearing pending Document No.P/Chennai South Joint I/562/2024 vide Receipt No.19170/ 2024 dated 29.10.2024 on the file of the first respondent.

For Petitioner : Mr.M.Nuzhath Khanam

For R1 & R2 : Mr.M.Shahjahan
Special Government Pleader



W.P.No.159 of 2025

ORDER

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The writ petition is filed to direct the first respondent to register and release the settlement deed dated 29.10.2024 executed by the petitioner bearing pending Document No.P/Chennai South Joint I/562/2024 vide Receipt No.19170/ 2024 dated 29.10.2024.

2. The grievance of the petitioner is that despite submitting a settlement deed for registration and making a representation to the first respondent, the document has been kept pending without any action.

3. The Hon'ble Division Bench of this Court has held that the production of original document is not necessary under all circumstances. The learned Single Judge of this Court, the Hon'ble Mr.Justice S.Sounthar, in W.P.No. 22270 of 2024 dated 14.08.2024 has considered the relevant judgments and issued detailed directions regarding the procedure which is to be followed wherever the original parent deed is not produced. The paragraph No.17 of the said judgment is extracted hereunder:-

“17. As mentioned earlier, failure to produce original title document is not a ground to refuse registration provided petitioner satisfy third proviso to Rule 55-A(i).



W.P.No.159 of 2025

Therefore, the impugned Refusal Check Slip issued by the 2nd respondent in RFL/CHENNIMALAI/25/2024, dated 30.04.2024 is quashed and the petitioner is directed to represent the document before the 2nd respondent within a period of two weeks from today, along with an affidavit mentioning the fact of loss of original title document and untracability of the same. The petitioner shall also enclose newspaper advertisement issued by him in leading Tamil newspapers having wide circulation in Erode District. The Newspaper advertisement shall disclose loss of original title deed and intention of the Seller to convey the property. On fulfilment of these two conditions, the 2nd respondent is directed to register the same.”

4. In view thereof, upon compliance of the procedure namely by filing an affidavit and also on production of the newspaper publications, the respondent is directed to register the settlement deed and release the document. Accordingly, this writ petition is disposed of on the same terms.

No costs.

08.01.2025

Neutral Citation: Yes/No
nsl



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W.P.No.159 of 2025

D.BHARATHA CHAKRAVARTHY, J.

nsI

To

1. The Sub-Registrar,
South Chennai Joint- I,
Office of the Sub-Registrar,
Chennai.
2. The Inspector General of Registration,
Office of the Inspector General of Registration,
Santhome, Chennai.

W.P.No.159 of 2025

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