

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.A. No.1317 of 2015 and M.P. No.1 of 2015

- 1 The Principal Secretary
Revenue Department
State of Tamil Nadu
Secretariat Building, Chennai
 - 2 The Inspector General of Registration
No.100, Santhome High Road,
Chennai 600 028
 - 3 The District Collector
Kancheepuram District, Kancheepuram
 - 4 The District Registrar
Chengalpattu, Kancheepuram District
 - 5 The Sub Registrar
SRO, Thiruporur, Thiruporur
 - 6 The District Revenue Officer-Stamps
No.32, Rajai Salai
Chennai 600 001
- Appellants/Respondents

Vs.

Latif Estate Line India Ltd.
represented by its Director
Feroz Abdul Latif
S/o late Haji Abdul Latif
Latif Centre
No.16, Millers Road
Kilpauk, Chennai 600 010

Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 27.03.2015 made in W.P. No.8930 of 2015. Petition filed U/A.226 of the Constitution of India to issue a writ of certiorarified Mandamus to call for the records from fifth respondent The Sub Registrar SRO Thiruporur culminated in Na.Ka.

No.7293/14/A6 dated 17.2.2015 and quash the same and consequently direct the fifth respondent The Sub Registrar SRO Thiruporur to release the document bearing No.7371/2012 dated 26.7.2012 registered in favour of petitioner herein;

For appellants Mrs. A. Srijyanthi
Special Government Pleader

For respondent Mr. R. Gopinath

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order dated 27 March 2015 passed in W.P.No.8930 of 2015.

2 For the sake of brevity and clarity, the parties are referred to as per their rank in the instant appeal.

3 The respondent preferred the instant writ petition being W.P.No.8930 of 2015, challenging the order dated 17 February 2015 passed by the fifth appellant, claiming additional stamp duty and registration charges in respect of the document bearing Document No.7371 of 2012. By the said writ petition, the respondent further sought a direction to the fifth appellant to release the document in question registered in his favour.

4 The learned Single Judge, noticing the fact that the said document was registered as Document No.7371 of 2012 dated 26 July 2012, directed return of the same with an endorsement that a reference under Section 47-A(1) of the Indian Stamp Act has been made, for fresh adjudication.

5 It is a well settled principle of law that once a document has been duly registered, the same cannot be retained by the Registering Authority, even if the same has been referred for a fresh adjudication. The learned Single Judge had directed return of the said document, subject to certain conditions. We have examined those conditions. The said conditions provide sufficient safeguard to ensure recovery of fee, if any, as and when occasion arises.

6 In that view of the matter, we are not inclined to interfere with the order sought to be impugned herein. Accordingly, the writ appeal is dismissed. Connected Miscellaneous Petition is dismissed. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

cad

To

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+ 1 cc to Mr.R. Gopinath, Advocate Sr.50061

PUR(CO)
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