

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2015

CORAM

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

W.A. No.1480 of 2015

and

M.P. No.1 of 2015

1. The Inspector General of Registration
Registration Department
Santhome High Road
Santhome
Chennai 600 028
 2. The District Revenue Officer - Stamps
O/o the District Revenue Officer - Stamps
District Collector Office V Floor
M. Singaravelar Building
No.32, Rajaji Salai
Chennai 600 001
 3. The Sub-Registrar
3/156, Salt Road
Chiyyur
Kancheepuram District - 603 302 ... Appellants/Petitioners
- Vs.
- A. Stanislaus ... Respondent/Respondent

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 02.03.2015 made in W.P. No.5446 of 2015 presented under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to release the sale deed dated 04.09.2014 and registered as document No.3001 of 2014 executed by P.Mohammed Subhan do and in favour of the Petitioner.

For appellants : Mrs. A. Srijayanthi
Special Government Pleader
For respondent : Ms. Daisy
for M/s. Bala & Daisy

JUDGMENT
(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order dated 02 March 2015 passed in W.P.No.5446 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.5446 of 2015, seeking a writ of mandamus directing the appellants to release the sale deed dated 04 September 2014 and registered as Document No.3001 of 2014, executed by P. Mohammed Subhan to and his favour.

4. The learned Single Judge, holding that the registering authority is not entitled to retain any document solely on the ground that there is a dispute pending qua valuation of the document and stamp duty is to be paid, disposed of the writ petition, directing the respondents to release the documents pertaining to the petitioner registered in Document No.3001 of 2014.

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(CS IV)

//True Copy//

Sub Assistant Registrar

cad

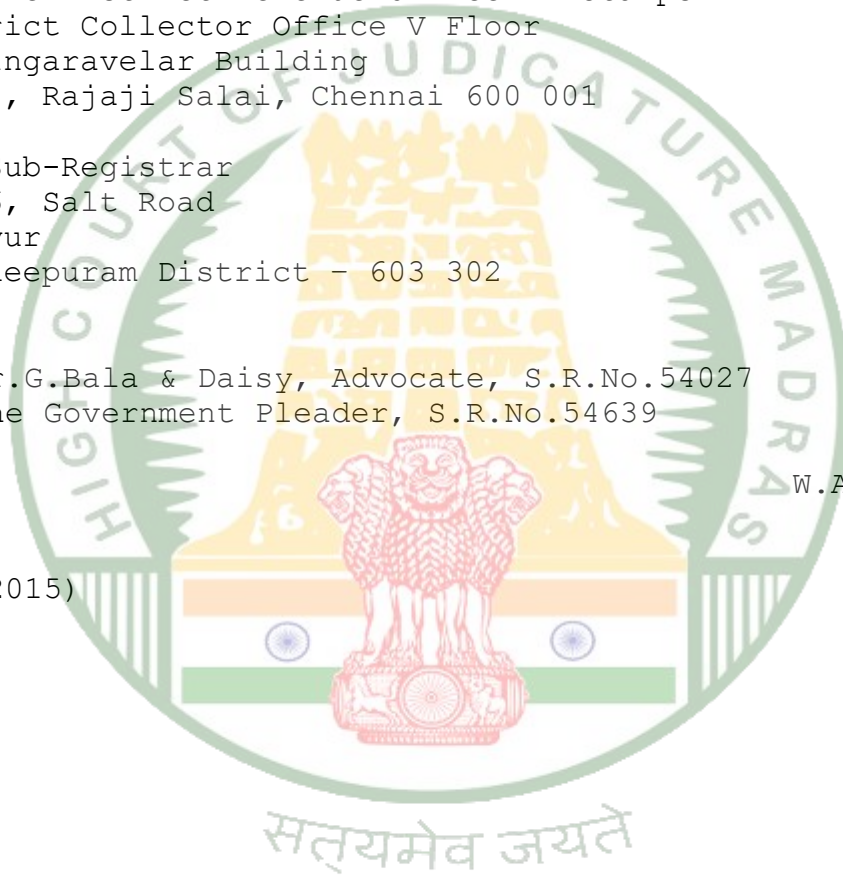
To

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+lcc to Mr.G.Bala & Daisy, Advocate, S.R.No.54027
+lcc to the Government Pleader, S.R.No.54639

W.A.No.1480 of 2015

TEJ(CO)
CA(14/10/2015)



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