

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2015

C O R A M:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE DR. JUSTICE P. DEVADASS

W.A. No.1597 of 2015

The Sub Registrar,
Arakkonam Joint-II,
Arakkonam,
Vellore District.

... Appellant

Vs

B. Manoharan

... Respondent

Prayer:-Appeal filed under Clause 15 of Letters Patent to set aside the order dated 23.03.2015 passed in W.P. No. 8051 of 2015 petition under Article 226 of the constitution of India praying for the issuance of a writ of Mandamus directing the respondent authority to release the original Sale Deed dt 20.5.2014 registered as document No.3320 of 2014 in the Office of the Sub Registrar - Arakkonam Joint II in respect of land measuring Ac.01-85 cents comprised Survey No. 68/5 Thokkolam Village Arakkonam Taluk Vellore District to the petitioner within a time to be stipulated by this Honourable Court pending disposal of the proceedings under Section 47-A (1) of the Indian Stamps Act

For appellant : Mrs. A. Srijayanthi
Spl. Govt. Pleader

For respondent : Mr. A.V. Raja

J U D G M E N T
(Delivered by SATISH K. AGNIHOTRI, J.,)

The challenge in this appeal is to the order dated 23.03.2015 passed in W.P.No.8051 of 2015.

2 The writ petitioner (respondent herein) preferred a writ petition, seeking a direction to the respondent, i.e., the appellant herein, to release the sale deed in Document No.3320 of 2014 dated 20.05.2014.

3 The learned Single Judge, noticing the fact that the said document was registered as document No.3320 of 2014 dated 20.05.2014, directed the respondent therein to return the document with an endorsement that a reference under Section 47-A (1) of the Indian Stamp Act has been made for fresh adjudication.

4 It is a well settled principle of law that once the 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 to return the said document subject to certain conditions. We have examined those conditions. The said conditions provide sufficient safeguard to ensure recovery of fee, as and when occasion arises, if any.

5 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. Consequently connected miscellaneous petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

The Sub Registrar,
Arakkonam Joint-II,
Arakkonam,Vellore District

+ 1 cc to the Government Pleader Sr.61164
+ 1 cc to M/s. A.V. Raja, Advocate Sr.60609

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PPA(CO)
EU 25.11.15

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