

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2015

CORAM

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

W.A. No.1644 of 2015 and M.P. No.1 of 2015

- 1 The Secretary
State of Tamil Nadu
Commercial Taxes and Registration Department
Secretariat
Chennai 600 003
 - 2 The Inspector General of Registration
Santhome High road
Chennai 600 028
 - 3 The Sub-Registrar of Assurance
Sub-Registrar-II, Katchery Road
Kallakurichi
Villupuram District 606 202
- Appellants/Respondents

Vs.

Bharath Petroleum Corporation Ltd.
represented by its Territory Manager - Retail
K. Dandapani
No.1, Dindugal Road
Trichy 620 001

Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 20.01.2015 made in W.P. No.33386 of 2014.

Prayer in WP.No.33386 of 2014: To issue a Writ of Mandamus directing the 3rd Respondent to forthwith release the original sale deed bearing Document No.1915 of 2001.

For appellants Mrs. A. Srijayanthi
Special Government Pleader
For respondent Mr. O.R. Santhanakrishnan

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order dated 20 January 2015 passed in W.P.No. 33386 of 2014.

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.33386 of 2014, seeking a direction to the third appellant to release the original sale deed bearing Document No.1915/2001, forthwith.

4 The learned Single Judge, noticing the fact that the document in question has already been registered, held that the third appellant has no jurisdiction to retain the same, even assuming that there is a dispute qua the market value of the property and disposed of the writ petition directing the third appellant to release the registered document, however, with a rider that if any proceedings have been initiated under Section 47-A of the Indian Stamp Act, it is open to the third appellant to make an appropriate endorsement on the document to the effect that the release of the said document is subject to the outcome of the pending proceedings.

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 the aforestated condition. We have examined the said condition. The said condition provides sufficient safeguard to ensure recovery of fee, if any, as and when occasion arises.

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. However, there shall be a charge over the property in question till the proceedings initiated under Section 47-A, *ibid*, is complete. No costs. Connected Miscellaneous Petition is dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

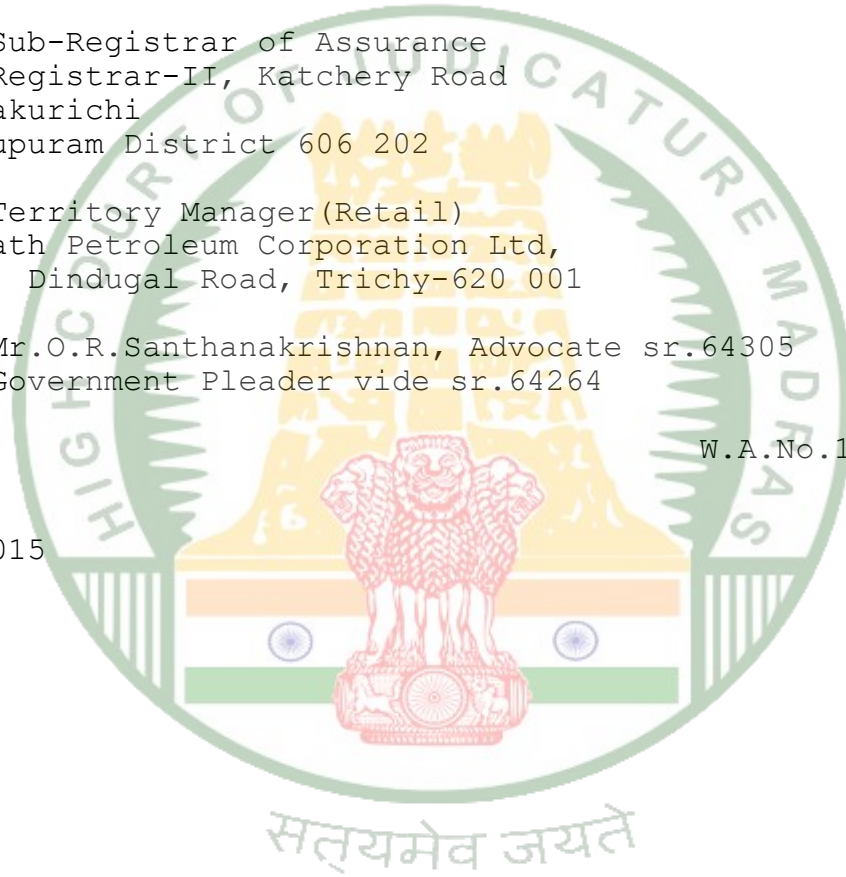
- 1 The Secretary
State of Tamil Nadu
Commercial Taxes and Registration Department
Secretariat
Chennai 600 003
- 2 The Inspector General of Registration
Santhome High road
Chennai 600 028
- 3 The Sub-Registrar of Assurance
Sub-Registrar-II, Katchery Road
Kallakurichi
Villupuram District 606 202
4. The Territory Manager(Retail)
Bharath Petroleum Corporation Ltd,
No.1, Dindugal Road, Trichy-620 001

+1 cc to Mr.O.R.Santhanakrishnan, Advocate sr.64305

+1 cc to Government Pleader vide sr.64264

W.A.No.1644 of 2015

aa17/12/2015



WEB COPY