

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM

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

W.A.No.826 of 2015
and
M.P.No.1 of 2015

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
 - 2.The Sub Registrar,
Madavaram,
Chennai.
- .. Appellants/Respondents

Vs.

V.Murugesan .. Respondent/Petitioner

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 19.3.2015 made in W.P.No.13813 of 2014. Petition filed under Article 226 of the constitution of India to issue a writ of Mandamus to direct the 2nd respondent to release the sale deed in Document NO.5750 of 2013 dated 17.10.2013 on the file of the 2nd respondent.

For Appellants : Mr.P.S.Sivashanmugasundaram,
Spl.G.P.

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

The challenge in this appeal is to the order dated 19.3.2015 passed in W.P.No.13813 of 2014.

2 The writ petitioner (respondent herein) preferred a writ petition, seeking a direction to the second respondent, i.e., the second appellant herein, to release the sale deed in Document No.5750 of 2013 dated 17.10.2013.

3 The learned Single Judge, noticing the fact that the said document was registered as document No.5750 of 2013 dated 17.10.2013, directed the second 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 provides 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. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vvk
To

- 1.The Inspector General of Registration,
Santhome High Road,
Chennai.
- 2.The Sub Registrar,
Madavaram,
Chennai.

1 cc to the Government Pleader Sr.31050

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