

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2015

CORAM

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

W.A.No.868 of 2015
and
M.P.No.1 of 2015

- 1.The Revenue Divisional Officer (Stamps)
District Collector Office Building,
Coimbatore-18.
 - 2.The Sub Registrar,
Mettupalayam Sub Registrar Office,
Mettupalayam, Coimbatore District. .. Appellants/Respondents
- Vs.
- G. Vijayakumar .. Respondent/Petitioner

This writ appeal is preferred under Clause 15 of the Letters Patent against the order of this court dated 07.01.2015 made in W.P.No.15578 of 2014 filed under Article 226 of the constitution of India praying for the issuance of writ of Mandamus directing the respondents to release the petitioner's original sale deed release the Petitioner's original sale deed dated 06.11.2012 registered as document No.1725 of 2014 on the file of the second Respondent forthwith by considering the Petitioner's representation dated 17.04.2014.

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 07.01.2015 passed in W.P.No.15578 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.1725 of 2014 dated 17.04.2014.

3 The learned Single Judge, noticing the fact that the said document was registered as document No.1725 of 2014 dated 17.04.2014, 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. Consequently connected miscellaneous petition is dismissed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ra

To

1.The Revenue Divisional Officer (Stamps)
District Collector Office Building,
Coimbatore-18.

2.The Sub Registrar,
Mettupalayam Sub Registrar Office,
Mettupalayam, Coimbatore District.

+1 cc to The Government Pleader, High Court, Madras, sr.37630

W.A.No.868 of 2015

jsv(co)
kra(04/08)