

In the High Court of Judicature at Madras

Dated: 26.11.2015

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The Honourable Mr.JUSTICE M.M.SUNDRESH

Writ Petition No.25127 of 2015

Mallika Dharmaraj

.. Petitioner

Vs.

The Sub-Registrar,
O/o Sub Registrar,
Nallur, Tiruppur District.

... Respondent

PRAYER: PETITION is filed under Article 226 of The Constitution of India praying for the issuance of Writ of Mandamus to direct the respondent to deliver the original sale deed bearing Registration No.2251 of 2010 registered in the office of the Sub Registrar, Nallur, Tiruppur District- respondent herein within a time to be fixed by this Court.

For Petitioner : Mr.S.K.Rakhunathan

For Respondent : Mr.A.Kumar,
Special Government Pleader

ORDER

The grievance of the petitioner is that after due registration of the sale deed in Registration No.2251/2010 in the office of the respondent, the same has not been returned to the petitioner so far. Hence, the present writ petition has been filed by the petitioner.

2. The learned Special Government Pleader appearing for the respondent submitted that the document is referred to the Deputy Collector (Stamps), Tiruppur, who adjudicate upon the deficit stamp duty.

3. This Court is afraid that the reference of the document for adjudication cannot be a ground in denying the document to the petitioner. Adjudication for payment of deficit

stamp duty and return the document to the right person are different as held by this Court in number of decisions. Accordingly, a direction is issued either to the respondent or to the Deputy Collector (Stamps), Tiruppur, as the case may be, to release the document with an endorsement as to the pendency of the proceedings for deficit Court fee and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

4. The writ petition stands disposed of accordingly. No costs

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Registrar,
O/o Sub Registrar,
Nallur, Tiruppur District.

2. The Deputy Collector (Stamps), Tiruppur

+1 cc to Mr.S.K.Rakhunathan, Advocate, sr.64454

+1 cc to Government Pleader, sr.64520

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