

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2015

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.Nos.31295 to 31297 of 2015

V.Govindan ..Petitioner in W.P.No.31295/2015
V.Rajendran ..Petitioner in W.P.No.31296/2015
V.Gunasekar ..Petitioner in W.P.No.31297/2015

Vs.

The Sub-Registrar,
Thirukazhukundran,
Thiruporur Taluk,
Kancheepuram District. .. Respondent in All WPS.

Prayer: Petitions are filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent herein to forthwith release and deliver the original registered sale deed document Nos.201502614 (2614/2015), 201502612 (2612/2015) and 201502613 (2613/2015) Dated 28.04.15 respectively registered in favour of the petitioners.

For Petitioner .. Mr.P.Gopiraja
in all W.Ps.

For respondent .. Mr.A.Kumar,
in all W.Ps. Special Government Pleader

COMMON ORDER

Sale deeds were registered in favour of the petitioners in document Nos. Nos.201502614 (2614/2015), 201502612 (2612/2015) and 201502613 (2613/2015) respectively on the file of the respondent on 28.04.2015. However, the said documents were not returned to the petitioners. Therefore, the petitioners made

representations on 31.08.2015 seeking to release the said documents. As the said request has not been considered, the present writ petitions have been filed.

2. On instructions, the learned Special Government Pleader appearing for the respondent, submitted that the documents are pending adjudication under Section 47-A of the Indian Stamp Act. The said pendency of the proceedings cannot be a bar in getting the documents released. In other words, the registration and furnishing the documents on the one hand is different from the proceedings initiated towards the recovery of the deficit stamp duty. This is a repeated view taken by this Court. The registration and the consequential furnishing of the documents would of course be subject to the proceedings under Section 47-A of the Indian Stamp Act.

3. Accordingly, the writ petitions stand disposed of by directing the respondent to release the documents registered within a period of four weeks from the date of receipt of a copy of this order, by making an endorsement that the said documents are released subject to the proceedings initiated under Section 47-A of the Indian Stamp Act. It is well open to the respondent to impose such other conditions as required. No costs.

raa

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The Sub-Registrar,
Thirukazhukundran,
Thiruporur Taluk,
Kancheepuram District.

+ 3 ccs to Mr.P.Gopiraja, Advocate Sr Nos. 63348, 63349, 63350.

+ 1 cc to Govt. Pleader, Sr 62884.

W.P.Nos.31295 to 31297 of 2015

vs/co
KR/8/12