

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

Writ Petition Nos.33219 and 33220 of 2015
and
M.P.Nos.1 and 1 of 2015

Mrs.V.Kannika

...Petitioner in
both Writ Petitions

Vs.

The Sub Registrar,
Thirupporur,
Kancheepuram District.

...Respondent in
both Writ Petitions

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to release/return the sale deed dated 14th July, 2014, vide document Nos.201410189/2014 and 201410190/2014 to the petitioner executed in the petitioner's favour by the petitioner's vendor namely Mrs.RitaGoyal, Wife of Mr.Manuel Xavier Rajesh and Mr.Manual Xavier Rajesh, Son of Manual Xavier respectively at the office of the Sub Registrar, Thirupporur.

For Petitioner : Mr. M.S.Govindarajan
(in both W.P.'s)

For Respondent : Mr.A.Kumar
(in both W.P.'s) Special Government Pleader

C O M M O N O R D E R

As the issue involved in both these Writ Petitions are one and the same, they are taken up together and a common order has been passed.

2. Seeking for a direction to the respondent to release the sale deeds dated 14.07.2014, vide document Nos. 201410189/2014 and 201410190/2014 to the petitioner, the present Writ Petitions have been filed.

3. Heard the learned counsel for the petitioner as well as learned Special Government Pleader appearing for the respondent.

4. The sale deeds of the petitioner dated 14.07.2014, after registration, as document Nos. 201410189/2014 and 201410190/2014 were not handed over to the petitioner, on the ground of pendency of the proceedings under Section 47 (A) of the Indian Stamps Act, for determining the deficit stamp duty. The said proceedings is pending before the Deputy Collector, Stamps. As held by this Court in number of decisions, that mere pendency of the proceeding under Section 47 (A) of the Indian Stamps Act, is not a bar for release of the documents. Hence a direction can be issued to the respondent to release the documents.

5. Accordingly, the respondent is directed to release the documents of the petitioner with the endorsement that it is subject to pendency of the proceedings under Section 47 (A) of the Indian Stamps Act, apart from imposing other conditions. The said documents shall be released, within a period of two weeks from the date of receipt of a copy of this order.

These Writ petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

arr

To

The Sub Registrar,
Thirupporur,
Kancheepuram District.

+2cc's to Mr.M.S.Govindarajan, Advocate, S.R.No.59302 & 59303

W.P.Nos.33219 and 33220 of 2015
and
M.P.Nos.1 and 1 of 2015

KSJ(CO)
CA(17/11/2015)