



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2015

Coram

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P. (MD) .No.15047 of 2015

and

M.P. (MD) No.1 of 2015

G.Balasubramanian

:Petitioner

vs.

The Sub Registrar
O/o.the Sub-Registrarrar,
South Zone,
Thirupurakundram Register Officer,
Thirupurakundram
Madurai District.

: Respondent

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondent to release the sale deed registered on 08.06.2015 vide Document No.63 of 2015, within the period that may be stipulated by this Court.

For Petitioner

:Mr.H.Mohammed Imran

For Respondent

:Mr.K.Mahesh Raja

Govt.Advocate

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondent to release the sale deed, registered on 08.06.2015, vide Document No.63 of 2015.

2. The case of the petitioner is that the property in Survey No.457/4, measuring to an extent of 95 cents, situated at Thirupparangundram Village, Madurai South, originally belonged to one Arumugam and Sundaram Mudhaliyar. The said property is a patta land and the patta stands in their name vide Patta No.909. The petitioner along with one Pandi, had purchased the property, by means of a sale deed, dated 08.06.2015, executed by the registered power of agent of said Arumugam and Sundaram Mudhaliyar, for a valuable consideration. The sale deed, dated 08.06.2015 was presented before the respondent, for registration and the same was registered as Document No.63/2015. Though the



sale deed was duly registered by the respondent, the same has not been released so far. Hence, the present writ petition.

3. I have heard the submissions made on either side and perused the materials available on record.

WEB COPY

4. In similar set of facts, in W.P.No.30055 of 2008, dated 06.04.2010, this Court, directed the respondents therein, to release the document by imposing certain conditions, which reads as follows:-

"1. It is open to the Registering Authority to affix a seal, while releasing the original deed or conveyance or any other document indicating that a reference is pending under Section 47-A with respect to under-valuation and assessment of stamp duty payable, as and when the proceedings reach finality, the same shall be intimated to the person who is liable to pay stamp duty demanding payment of deficit stamp duty payable on the instrument.

2. The Registrar to make corresponding entries under Sections 54, 55 of the Registration Act, 1908, in the Register of indexes as to the pendency of proceedings under Section 47-A.

3. On completion of adjudication as to the under-valuation by the competent authority as well as appeal or revision, if any, thereof, and depending upon the ultimate decision, the said authorities to recover deficit stamp duty according to law.

4. Till such proceeding reaches finality and deficit is paid, there will be a charge for the deficit stamp duty which is the subject matter of transfer or conveyance.

5. On payment of deficit stamp duty, if any payable, the Registrar may once again, on production of the original deed or transfer, make appropriate entry and recording the additional stamp duty paid and release of charge and also make consequential entries in the registers / indexes maintained under Sections 54, 55 etc., of the Registration Act."

5. Considering the above facts and circumstances, and following the above said Judgment of this Court made in W.P.No.30055 of 2008, dated 06.04.2010, the Writ Petition is allowed and the respondents are directed to release the Sale deed, dated 08.09.2015, registered as Doc.No.63/2015, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, subject to the above said conditions.



6. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

/True copy/

Sd/-

Assistant Registrar (Record)

Sub Assistant Registrar

MPK

To

The Sub Registrar,
O/o. The Sub-Registrar,
South Zone,
Thirupurakundram Register Office,
Thirupurakundram,
Madurai District.

+1cc to M/S.AJMAL ASSOCIATES, ADVOCATE SR NO.48464

W.P. (MD) .No.15047 of 2015

20.08.2015

rg.22.06.2015

3p.3c.