



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.04.2015

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE .R. MAHADEVAN

W.P (MD) .No.2749 of 2015

and

MP (MD) No.1 of 2015

S.Sudeep

... Petitioner

Vs

The Sub-Registrar,

Iraniel Sub Registrarion Office,

Kanyakumari District.

... Respondent

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the impugned check slip memo of respondent dated 20.02.2015 insofar as returning of sale deed dated 20.12.2015 executed by the petitioner and quash the same and further directing the respondent to register the sale deed dated 20.02.2015 executed by the petitioner and release the same to the petitioner.

For petitioner : Mr.G.Prabhu Rajadurai

For respondent : Mr.T.R.Janaradhanan,
Additional Government Pleader

ORDER

This Writ Petition is filed praying for a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the impugned check slip memo of the respondent dated 20.02.2015 insofar as returning of sale deed dated 20.12.2015 executed by the petitioner and quash the same and further directing the respondent to register the sale deed dated 20.02.2015 executed by the petitioner and release the same to the petitioner.

2. The learned counsel appearing for the petitioner would contend that the respondent cannot refute to register the document in question for the simple reason that time and again, this Court has held that either the respondent can refer the document as per Section 47(A) of the Registration Act or ask the petitioner to pay the deficit stamp duty.



3. The learned counsel appearing for the respondent would contend that since there was deficit in paying stamp duty, the document in question has not been registered.

4. As rightly pointed by the learned counsel appearing for the petitioner, the respondent cannot refute to register the document in question. The reason adduced for rejecting to register the document is not proper. At the most, he can refer as per Section 47(A) of the Registration Act or asking the petitioner to pay the deficit stamp duty. Accordingly, the impugned order in this Writ Petition stands set aside and the petitioner is directed to represent the document for registration and the respondent shall consider the same on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

The Sub-Registrar, Iraniel Sub Registration Office,
Kanyakumari District.

+1cc to Mr.G.Prabhu Rajadurai, Advocate, in SR. No.17493.

W.P(MD).No.2749 of 2015
07.04.2015

ssm

msm 16.04.2015 p2/3c