

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.01.2016

CORAM

THE HONOURABLE Mr.JUSTICE M.M. SUNDRESH

W.P.No.1638 of 2016

M/s.Sharon Hospitality Pvt.Ltd
Rep by its Director,
No.23, Poonamallee High Road,
Periamet,
Chennai 600 003

... Petitioner

- Vs -

The Sub Registrar
Office of the Sub Registrar,
Periamet,
Chennai 600 003

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus, directing the respondent to receive and register the Memorandum of Deposit of Title Deed dated 08.01.2016.

For Petitioner : Mr.AR.L.Sundaresan,
Senior Counsel for Mr.P.Krishnan

For Respondent : Mr.R.A.S.Senthil Vel,
Additional Government Pleader

ORDER

The petitioner has come forward to file this Writ Petition with the prayer seeking a direction to the respondent to receive and register the Memorandum of Deposit of Title Deed, dated 08.01.2016.

2. The petitioner had purchased the property by a registered sale deed from one Thambian. As the valuation shown in the document was found to be undervalued, it was referred to the appropriate authority under Section 47(A) of the Indian Stamp Act. When the petitioner went to register the Memorandum of Deposit of Title Deeds with the financial institutions, the same was not received and accepted by the respondent on the ground of pendency of the proceedings under Section 47(A) of the Indian Stamp Act. Therefore, the present Writ Petition has been filed.

3. Heard the learned Senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. There is no transfer of title involved in the case on hand. The petitioner continues to be the owner of the property.

Only for the purpose of getting loan, the Memorandum of Deposit of Title Deed is sought to be made. While holding that the respondent can have the first charge, the said entitlement to recover the amount as finally fixed under Section 47(A) of the Indian Stamp Act, cannot be construed to deny the registration.

5. In the result, the Writ Petition stands allowed and the respondent is directed to receive and register the Memorandum of Deposit of Title Deed, dated 08.01.2016 within a period of four weeks from the date of receipt of a copy of this order. However, this order will not stand in the way of the respondent to proceed as per law under Section 47(A) of the Indian Stamps Act. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

The Sub Registrar
Office of the Sub Registrar,
Periamet,
Chennai 600 003

+1cc to the Government Pleader, S.R.No.5012
+1cc to Mr.P.Krishnan, Advocate, S.R.No.5786

W.P.No.1638 of 2016

jsv(CO)
srg(29/01/2016)