

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2016

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.A. No.253 of 2016 and C.M.P. No.4310 of 2016

The Sub-Registrar
O/o the Sub-Registrar
Periamet, Chennai - 600 003 Appellant/Respondent

Vs.

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

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 27.01.2016 passed in W.P. No.1638 of 2016 prayed filed to issue a writ of mandamus directing the Respondent herein to receive and register the Memorandum of Deposit of Title Deed dated. 08.01.2016.

For appellant Mrs. A. Srijayanthi
Special Government Pleader

For respondent Mr. P. Krishnan

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order dated 27 January 2016 passed in W.P.No.1638 of 2016.

2 To avoid prolixity, the parties are referred to as per their rank in the instant appeal.

3 The respondent preferred the instant writ petition being W.P.No.1638 of 2016, seeking a direction to the appellant to receive and register the memorandum of deposit of title deed dated 08 January 2016.

4 The learned Single Judge, finding that there is no transfer of title involved in the case and it is only the respondent who still continues to be the owner of the property

and further observing that just because the appellant is entitled to recover the amount as finally fixed under Section 47-A of the Indian Stamp Act, 1899, the said authority cannot deny to register the document, allowed the writ petition, directing the appellant to receive and register the memorandum of deposit of title deed, however, with a rider that the said order will not stand in the way of the appellant proceeding as per law under Section 47-A, *ibid*.

5 We are in complete agreement with the impugned order passed by the learned Single Judge and the same does not warrant any interference whatsoever.

Accordingly, the writ appeal is dismissed. However, it is made clear that there shall be a charge over the property in question till the proceedings initiated under Section 47-A, *ibid*, is complete. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

cad

To

The Sub-Registrar
O/o the Sub-Registrar
Periamet, Chennai - 600 003

+1cc to Mr.Mr.P. Krishnan, Advocate, S.R.No.16087

+1cc to the Government Pleader, S.R.No.16318

JSV(CO)
EU(18/03/2015)

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