

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2016

CORAM:

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

W.A. No.256 of 2016 and C.M.P. No.4314 of 2016

- 1 The Sub-Registrar
Konnur, SRO
Chennai 600 049
 - 2 The State of Tamil Nadu
represented by the Chief Revenue
Controlling Authority
The Inspector General of Registration
100, Santhome High Road
Chennai 600 028
 - 3 The District Registrar
First Line Beach
Chennai 600 001
- Appellants
- Vs.
- R. Krishnamurthy Respondent

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 04.01.2016 made in W.P. No.33195 of 2015. Petition filed under Article 226 of the constitution of India praying for issue of a writ certiorarified Mandamus call for the records of the 1st respondent in respect of Letter No.242/2015 dated 1.10.2015 and quash the same and direct the respondents to release the Sale Deed Document No.P93 which has been registered on 13.7.2015 immediately

For appellants Mrs. A. Srijayanthi
Special Government Pleader

For respondent Mr. M.V. Swaroop

JUDGMENT

(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order dated 04 January 2016 passed in W.P.No.33195 of 2015.

2 For the sake of brevity and clarity, the parties are referred to as per their rank in the instant intra-Court appeal.

3 The respondent preferred the instant writ petition being W.P.No.33195 of 2015, assailing the letter no.242/2015 dated 01 October 2015, whereunder, the respondent was informed that the sale deed presented by him is impounded because of mentioning of "confirming party" in the sale deed and for a direction to the appellants to release the sale deed document no.P93 registered on 13.07.2015, immediately.

4 The learned Single Judge, examining the facts of the case, set aside the impugned letter and directed the appellants to register and release the sale deed to the respondent within a period of four weeks, subject to the condition that the respondent is liable to pay the market value, if not already paid. It was further made clear that if there is any stamp duty payable by the respondent for the property forming the subject matter of the sale deed towards the market value, the same is liable to be paid by him.

5 As aforestated, the learned Single Judge had directed registration of the sale deed and subsequent return of the sale deed to the respondent, subject to certain conditions. We have examined the said conditions. The said conditions provide sufficient safeguard to ensure recovery of fee, if any, as and when occasion arises. In that view of the matter, we are not inclined to interfere with the order sought to be impugned herein.

Accordingly, the writ appeal is dismissed. However, there shall be a charge over the property in question till the proceedings initiated under Section 47-A of the Indian Stamp Act, 1899, is complete. No costs. Connected W.M.P. is dismissed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad



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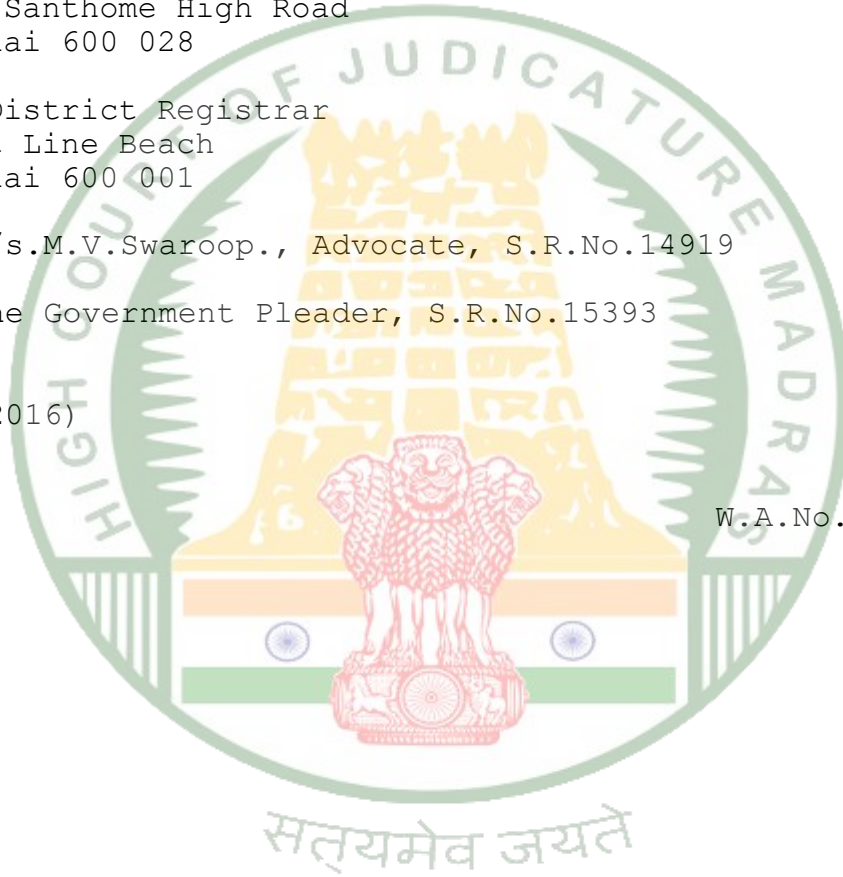
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+1cc to M/s.M.V.Swaroop., Advocate, S.R.No.14919

+1cc to the Government Pleader, S.R.No.15393

VD(CO)
EU(23/03/2016)

W.A.No.256 of 2016



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