

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2016

CORAM:

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

W.A. No.304 of 2016 and C.M.P. No.4830 of 2016

The Sub Registrar
Madukkarai
Madukkarai Taluk
Coimbatore

Appellant/Respondent

Vs.

Veekesy Footcare (India) Ptv. Ltd.
represented by its Managing Director
V. Noushad
Plot No.10-12, SIDCO Industrial Estate
Melumichampatty
Coimbatore 641 050

Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent against the order dated 29.01.2016 made in W.P. No.3374 of 2016. Petition filed under Article 226 of the constitution of India, praying to issue a writ of Mandamus directing the respondent to register the Sale Deed dated 22.5.2015 bearing Document No.P18/2568 of 2015 executed by the Federal Bank Cherthala Branch Alappuzha District Kerala in favour of the writ petitioner company and release the same to the writ petitioner company as per provision of Section 47A of Indian Stamp Act

For appellant Mrs. A. Srijayanthi
Special Government Pleader

JUDGMENT
(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order dated 29 January 2016 passed in W.P.No.3374 of 2016.

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, pursuant to the sale deed dated 22 May 2015, executed by Federal Bank, Chertala Branch, Alappuzha District, Kerala, applied for registration of the same before the appellant. But, admittedly, the same has been kept pending on the ground that there is a deficit stamp amount due and payable. Feeling aggrieved, the respondent preferred the instant writ petition being W.P.No.3374 of 2016, seeking a writ of mandamus directing the appellant to register the said sale deed, bearing Document No.P18/2568 of 2015, in favour of the respondent and release the same to the respondent as per the provisions of Section 47-A of the Indian Stamp Act, 1899 (for brevity "the Act").

4 The learned Single Judge, examining the facts of the case and observing that determination and consequential demand of stamp duty would not stand in the way of registration of document and release of the same thereafter, following the earlier dated 19 February 2015 passed in W.P. No.4249 of 2015, disposed of the writ petition directing the appellant to return the sale deed in question, registered on 10 December 2014, to the respondent, with certain conditions.

5 As aforesaid, the learned Single Judge had directed 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, this 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 of the Act is complete. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

cad
To
The Sub Registrar, Madukkarai
Madukkarai Taluk, Coimbatore.
+1cc to the Government Pleader, S.R.No.18108
UG(CO)
EU(04/04/2016)

W.A.No.304 of 2016