

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

WP.Nos.33550 to 33552 of 2016

N.Veerakumar .. Petitioner in
W.P.No.33550/2016

T.Ravi Kumar .. Petitioner in
W.P.No.33551/2016

C.Murugesan .. Petitioner in
W.P.No.33552/2016

-Vs-

The Sub-Registrar,
Sathyamangalam SRO,
Sathyamangalam,
Erode District.

Respondents in all
the writ petitions

Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other appropriate Writ or Direction in the nature of Writ of Mandamus, directing the respondent to register the Sale Deeds kept pending in P.Nos.29 of 2015 ; 28 of 2015 and 47 of 2015 and 48 of 2015 on the file of respondent, within a time frame and release the same as per law.

For Petitioners in
all the WPs : Mr.R.Karthikeyan
For Respondent in
all the WPs : Mr.A.N.Thambi Durai, Spl.GP

COMMON ORDER

Heard Mr.R.Karthikeyan, learned counsel appearing for the petitioners and Mr.A.N.Thambi Durai, learned Special Government Pleader, accepting notice for the respondent and with the consent on either side, the writ petitions are taken up for final disposal.

2 In all these writ petitions, the petitioners seek for a direction upon the respondent to register the Sale Deeds which have been kept as pending documents in P.Nos.29, 28, 47 and 48

of 2015, since 2015. It is not known as to for what valid reason, the Sub Registrar, is retaining the documents under the provisions of the Registration Act and the Rules framed therein. The respondent / Sub Registrar cannot withhold the documents and keep the documents as the pending documents indefinitely. It is open to the respondent to refuse registration for a good and valid reason or to register the same and release it or to register the document and if there is any dispute regarding the valuation of the property and the stamp duty affixed, then it can be referred to the Deputy Collector [Stamps], u/s.47-A of the Indian Stamp Act. However, it appears that the respondent has not done any of the three. In this regard, the representation given by the petitioner on 16.08.2016, has been received by the respondent.

3 In the light of the above, there will be a direction to the respondent to consider the representation and comply with the provisions of the Act and if there is no other legal impediment, then the respondent / Sub Registrar, can register and release the documents. However, if there is any discrepancy with regard to the stamp duty payable, then the respondent should follow the procedure under section 47-A of the Indian Stamp Act and even if it is so, he cannot refuse to register and release the document. In other words, if there is any under valuation of the property and there is deficit stamp duty payable, then the petitioner should be called upon to do so, failing which, the Sub Registrar should register the document and return the same with an endorsement that the case is referred to the Deputy Collector [Stamps] u/s.47-A of the Indian Stamp Act.

4 In the result, the writ petitions are disposed of by directing the respondent to consider the representation of the petitioner dated 16.08.2016 in the lines stated above within a period of three weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते
sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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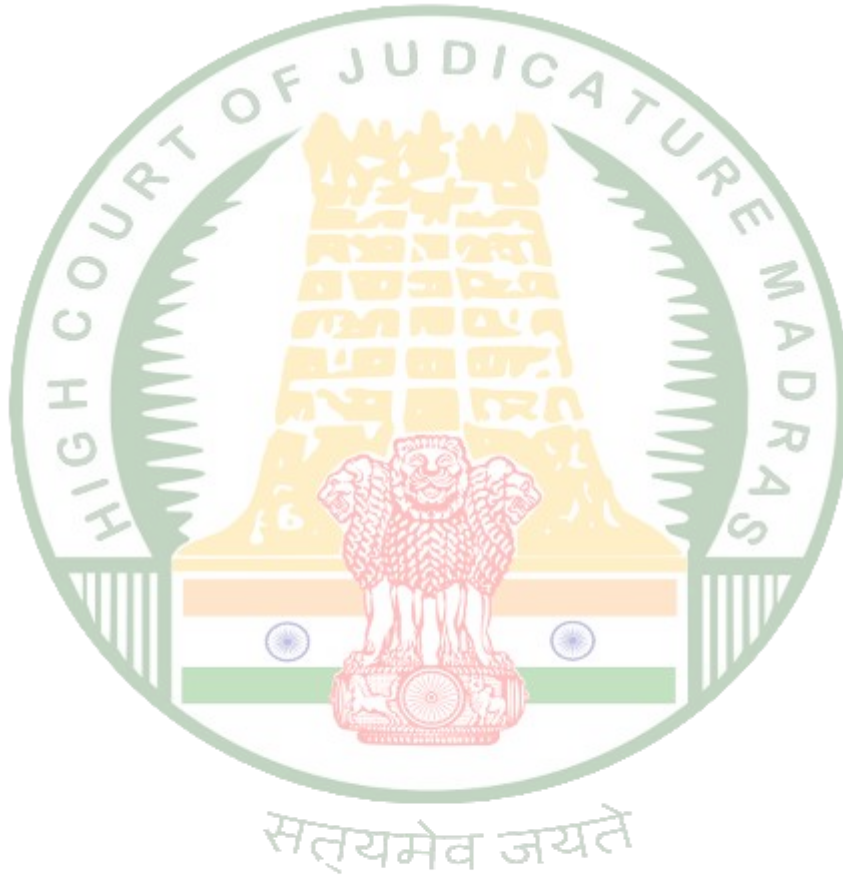
To

The Sub-Registrar,
Sathyamangalam SRO,
Sathyamangalam,
Erode District.

+3 cc's to Mr.R.Karthikeyan,advocate,sr.54274 to 276.

trm(co)
krd 30/9

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