

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 5354 of 2013

1. M/s.Sri Adhithya Poly Flime Pvt. Ltd.
 2. S.P.Monan Subramanian
 3. Vidhya Mohan
 4. S.Parasuraman
- .. Petitioners

Vs.

1. State Bank of Travancore,
Rep. by its Assistant Manger (SIB & IB),
Mount Road Branch, Chennai 600 002.
 2. The Sub-Registrar-Konnur
5/5, 4th Main Road, Chennai - 600 079.
 3. The Sub-Registrar-Ashok Nagar,
No.1, S.V. Chidambaram Salai, Jaffer Khanpet,
Ashok Nagar, Chennai - 600 083.
 4. The Sub-Registrar-Coimbatore Join II,
Old No.591A, New No.401A,
Raja street, Coimbatore - 641 001.
 5. The District Registrar-Chennai Central
Murathygal Lane, Chennai - 600 001.
 6. The District Registrar-Chennai North,
No.1, S.V.Chidambaram Salai, Jaffer Khanpet,
Ashok Nagar, Chennai - 600 083.
 7. The District Registrar - Coimbatore,
Collector Office Compound, Barath Bank Street,
Coimbatore - 641 018.
 8. Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.
- .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 8 to receive the Memorandum of deposit of title deeds, dated 11.12.2012 executed by the petitioner and register it by accepting the maximum stamp duty of Rs.25,000/- and maximum registration fee of Rs.5,000/-.

For Petitioners : M/s.SP.Chockalingam
For RR1 : No Appearance
For RR2 to 8 : Mr.S.Diwakar, Spl.G.P.

O R D E R

The petitioners have filed this petition praying to direct the respondents 2 to 8 to receive the Memorandum of deposit of title deeds, dated 11.12.2012 executed by the petitioner and register it by accepting the maximum stamp duty of Rs.25,000/- and maximum registration fee of Rs.5,000/-.

2. Heard Mr.SP.Chockalingam, learned counsel appearing for the petitioners, Mr.S.Diwakar, the learned Government Advocate appearing on behalf of the respondents 2 to 8.

3. According to the learned counsel for the petitioners, the petitioners have produced the memo of title deeds for immovable properties which are situated within the jurisdiction of the various places. The Sub-Registrars 2 to 4 refused to entertain the memo of title deed presented by the petitioners, demanding stamp duty for extension of mortgage by deposit of title deeds. Aggrieved by this, the petitioners have preferred this Writ Petition.

4. Per contra, counter has been filed by the respondents 2 to 8 stating that the petitioners have never produced any document and they have also not returned. Therefore, the contentions of the petitioners are not correct. If there is any refusal by the Registering Authority, it shall be done only under Section 71 of the Registration Act. Furthermore, the petitioner has also not challenged the circular issued by the 8th respondent.

5. In view of the above said contention, it is open to the petitioner to challenge the said circular before the appropriate forum. Insofar as other contentions are concerned, it is open to the petitioner to present the above documents to the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said document, the third respondent is directed to consider the same on merits and in accordance with law.

6. Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar

//True Copy//

pvs

Sub Assistant Registrar

To

1. The Assistant Manger (SIB & IB),
State Bank of Travancore,
Mount Road Branch, Chennai 600 002.
2. The Sub-Registrar-Konnur
5/5, 4th Main Road, Chennai - 600 079.
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No.1, S.V. Chidambaram Salai, Jaffer Khanpet,
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Collector Office Compound, Barath Bank Street,
Coimbatore - 641 018.
8. Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

+1cc to Mr.Chokalingam, Advocate, S.R.No.6564
+1cc to the Government Pleader, S.R.No.6955

NMI (CO)

RS (02/03/2017)

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