

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2017

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THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.33468 of 2016

M/s.SBM Construction & Properties
A partnership Firm
rep. by its Partner
B.Jawahar

... Petitioner

Vs

1.The District Registrar,
No.17, Rajaji Street,
Chengalpattu - 603 001.

2.The Sub Registrar,
Cheyyur
3/156, Salt Road,
Cheyyur 603 302
Chengalpattu Taluk,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of The Constitution of India
praying to issue a writ of Mandamus directing the second respondent
to release the registered sale deed dated 14.7.2016 bearing Document
No.1956 / 2016 to the petitioner within the reasonable time fixed by
this Court.

For Petitioner : Mr.K.Sukumaran

For Respondents : Mr.R.Rajeswaran, SGP

ORDER

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the second respondent to release the registered sale deed dated 14.7.2016 bearing Document No.1956 / 2016 to the petitioner within the reasonable time fixed by this Court.

2. It is the case of the petitioner that they purchased the lands measuring to an extent of 3 acres 36 cents from one Ananth Narayan and B.Prasanna on 14.07.2016 for valid consideration of Rs.3,36,00,000/- and the said document was submitted to the second respondent for registration on 14.07.2016. The petitioner valued the property at Rs.1,00,000/- per cent as per the guideline value and also paid necessary stamp duty and registration charges. On receipt of the same, the second respondent registered the sale deed as Document No.1956 of 2016 on the same day. However, the second respondent has not released the document to the petitioner even after registration, in spite of the repeated requests made by the petitioner. Subsequently, it was orally informed to the petitioner that they have to pay the stamp duty at the rate of Rs.350/- per sq. ft and not at Rs.1,00,000/- per cent. According to the petitioner, the oral demand made by the second respondent is not only unlawful, but also

arbitrary.

3. Mr.K.Sukumaran, learned counsel appearing for the petitioner submitted that though the sale deed was registered and document number was assigned, the second respondent has refused to release the same to the petitioner and has erroneously withhold the same. Learned counsel further submitted that after filing the present writ petition on 20.09.2016, the second respondent has referred the document to the District Revenue Officer (Stamps) for fixing the value of the property, under Section 47A of the Indian Stamps Act on 24.10.2016. Learned counsel also submitted that in the light of the settled proposition that when a document is registered by the Registering Authority, he has no right to withhold the same, the second respondent may be directed to release the document in question to the petitioner.

4. Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondents, fairly submitted that after registering the document, the second respondent is bound to release the same to the petitioner.

5. In view of the submissions made by the learned counsel on either side, recording the submission made by the learned Special

Government Pleader, I direct the second respondent to release the sale deed dated 14.07.2016 bearing Document no.1956 / 2016 to the petitioner within a period of one week from the date of receipt of a copy of this order. However, it is made clear that this order will not stand in the way of the parties in prosecuting or defending the proceedings pending before the District Revenue Officer (Stamps) in accordance with law.

6. With this observation, the Writ Petition is disposed of. No costs.

01.08.2017

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Index: Yes / No

NOTE: ISSUE ON 02.08.2017

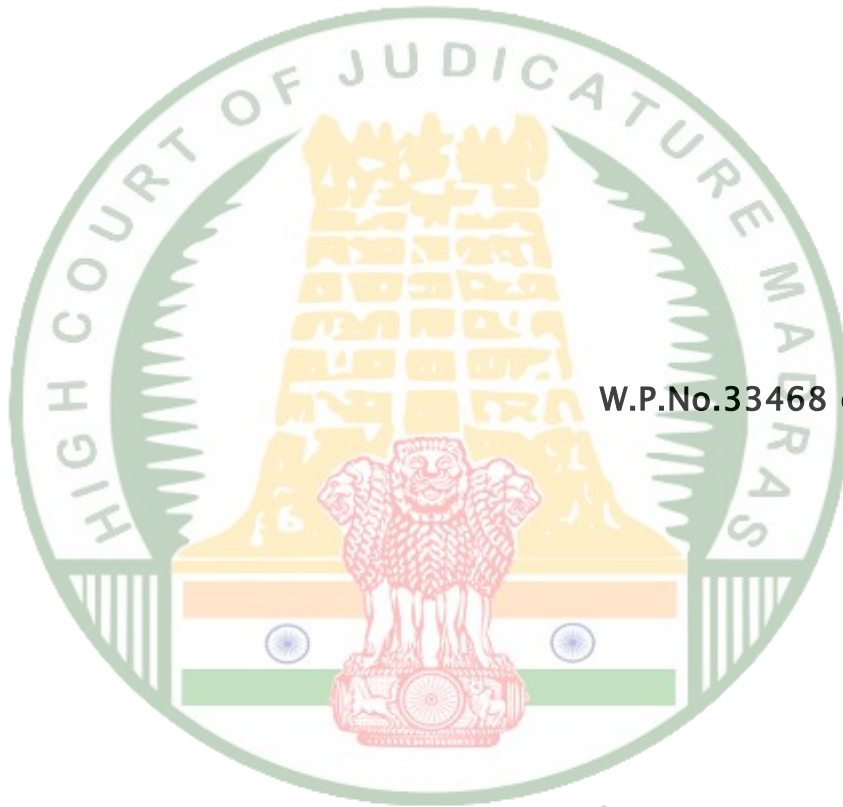
To

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2.The Sub Registrar,
Cheyyur
3/156, Salt Road,
Cheyyur 603 302
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M.DURAISWAMY, J.

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