

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.610 of 2018 and
CMP No.5934 of 2018

- 1.District Registrar (Administration)
(in the cadre of Assistant Inspector
General of Registration)
North Chennai, Chennai.
- 2.Sub-Registrar,
Tiruvotriyur. Appellants

-vs-

Futura Polyesters Limited,
Mumbai and having its registered office
at Paragon Centre
Pandurang Budhkar Marg
Mumbai 400 013 and represented by
its Authorised Signatory Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent
against the order passed in W.P No.14490 of 2017 dated
05.10.2017.

WP.NO.14490/2017:

This Writ Petition filed under Article 226 of the
Constitution of India praying for issuance of Writ of Mandamus
to direct the second respondent to release the document of sale
dated 1.3.2017 and registered as Doc.No.1039 of 2017 on the file
of the Sub-Registrar, Thiruvotriyur and executed by the
petitioner herein to and in favour of M/s.Golden Star Promoters
Private Limited represented by its Director Mrs.Grace Jayanthi
Rani and after making necessary endorsement regarding the
pendency of the proceedings under the provisions of the Indian
Stamp Act 1899 and the Tamil Nadu Stamp (Prevention of
Undervaluation of Instruments) Rules 1968 and within time be
fixed by this court.

For Appellants : Mr.V.Anandhamoorthy
Addl.Govt.Pleader

For Respondent : Mr.N.Damodaran

J U D G M E N T

[Judgment of the Court was delivered by
K.K. SASIDHARAN, J.]

The writ petition filed by the respondent to direct the appellants to return the sale deed registered as Document No.1039 of 2017 pending proceedings under the provisions of the Indian Stamp Act, 1899 was allowed by the learned single Judge. The said order is under challenge in this intra court appeal.

2. The Sale Deed dated 1 March 2017 executed by the respondent in favour of M/s.Golden Star Promoters Private Limited, was kept pending by the Sub-Registrar on the ground that proper stamp duty was not paid. Since the document was not returned, the respondent filed a writ petition. The learned single Judge followed the earlier order in W.P.Nos.18521 and 18522 of 2016 and allowed the writ petition.

3. The issue as to whether the Sub-Registrar is bound to release the registered document pending adjudication under the Indian Stamp Act was considered by a Division Bench in W.A.(Md) Nos.1176 to 1179 of 2017 etc., batch. The Division Bench by judgment dated 9 October 2017 held that the Sub-Registrar is not bound to release the document pending adjudication under Section 47-A of the Indian Stamp Act. The issue is therefore squarely covered by the judgment delivered by the Division Bench. The appellants are therefore entitled to succeed.

4. The writ appeal is allowed by following the judgment dated 9 October 2017 in W.A.(Md)Nos.1176 to 1179 of 2017 etc., batch. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

TO:

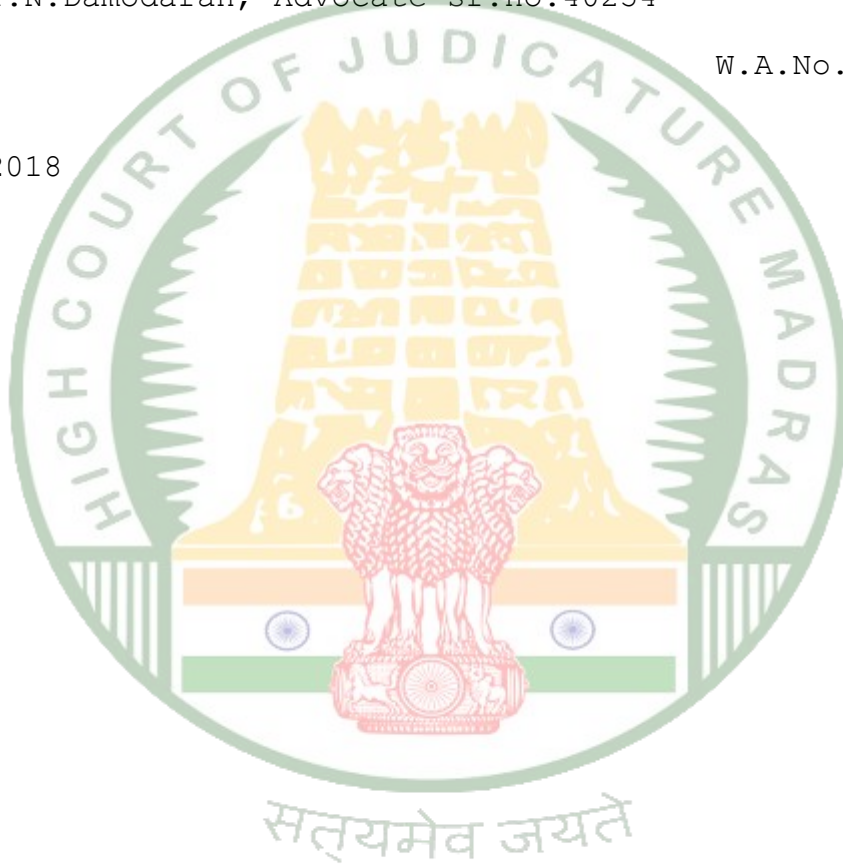
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2.Sub-Registrar,
Tiruvotriyur.

+lcc to Government Pleader in sr.no.41459
+lcc to Mr.N.Damodaran, Advocate sr.no.40254

W.A.No.610 of 2018

jp(co)
nr 16/07/2018



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