

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.05.2018

CORAM

THE HONOURABLE MR. JUSTICE C.V. KARTHIKEYAN

W.P. Nos. 12562 and 12563 of 2018

&

W.M.P. Nos. 14713 of 2018

W.P. Nos. 12562 of 2018

M/s. Geeyam Constructions,
represented by its Managing Partner,
C.R. Chandrasekaran,
22, Devanathan Street,
Mandavalli, Chennai - 600 028. ..Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakam, Chennai - 600 028.
2. The District Registrar,
Chennai South,
District Registrar Office,
Saidapet, Chennai.
3. The Sub-Registrar,
Neelangarai SRO,
Neelangarai, Chennai. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus to direct the 3rd
respondent to release and handover the sale deed dated
03.04.2018 and registered vide Doc.No. 2150 of 2018 on the file
of the 3rd respondent in respect of the Property bearing Plot
No.43, Developed Plots Estate, Electrical and Electronics
Industrial Estate, Perungudi, Chennai - 96 to the petitioner.

For Petitioner ::Mr.T.K.S. Gandhi

For Respondents ::Mr.T.M. Pappiah,
Special Government Pleader

W.P. No. 12563 of 2018
M/s. Geeyam Constructions,
Represented by its Managing Partner,
C.R. Chandrasekaran,
22, Devanathan Street,
Mandavalli, Chennai - 600 028.

..Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.
2. The District Registrar,
Chennai South,
District Registrar Office,
Saidapet, Chennai.
3. The Sub-Registrar,
Neelangarai SRO,
Neelangarai, Chennai. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus to direct the 3rd respondent to receive and cause to be registered the Rectification Deed dated 27.04.2010 for the sale deed dated 03.04.2018 and registered vide Doc. No. 2150 of 2018 on the file of the 3rd respondent in respect of the Property bearing Plot No. 43, Developed Plots Estate, Electrical and Electronics Industrial Estate, Perungudi, Chennai - 96.

For Petitioner ::Mr.T.K.S. Gandhi

For Respondents ::Mr.T.M. Pappiah,
Special Government Pleader

C O M M O N O R D E R

Mr.T.M. Pappiah, learned Special Government Pleader, takes notice for the respondents.

2.By consent of both parties, the main Writ Petition itself is taken up for disposal.

3.The petitioner presented a sale deed for registration before the 3rd respondent, who is the Sub Registrar, Neelangarai SRO, Neelangarai.

4. According to the learned counsel for the petitioner, the said sale deed has actually been registered and the registration process has been completed and Regn. No.2150 of 2018 had also been given. This is also reflected in Encumbrance Certificate. However, sale deed had not been released by the Sub Registrar, Neelangarai.

5. Questioning such inaction by the Sub Registrar, W.P.No.12562 of 2018 had been filed. In the schedule to the property, in the sale deed which had been presented it had been mentioned that the property is situated at Old Mahabalipuram Road, Perungudi, Chennai 600 096. A rectification deed was subsequently presented by the petitioner to remove the words "Old Mahabalipuram Road". Since this rectification deed had not been received by the 3rd respondent, W.P.No.12563 of 2018 has been filed seeking a direction against the respondents to receive the rectification deed and proceed in accordance with law.

6. The learned Special Government Pleader, who had entered appearance and had taken notice, stated that with respect to the sale deed, which had been registered, the matter had been referred to the Revenue Divisional Officer for enquiry on two aspects namely, the nature of the construction over the said place and value of the land and construction and also on the stamp duty payable on such value.

7. The learned Special Government Pleader stated that notice would be issued to the petitioner directly by the Revenue Divisional Officer. He can always participate in the enquiry conducted therein.

8. The learned counsel for the petitioner on the other hand stated that since the sale deed had been registered, there is a duty cast on the respondents to release the sale deed. He will thereafter participate in the enquiry and if additional stamp duty is payable, he is prepared to pay the additional stamp duty. The respondents cannot withhold the document, after registration process was over and if during registration process, they had found no infirmity in the manner in which the document had been presented.

9. At any rate, the petitioner is also under an obligation to pay additional stamp duty if it is so determined by the concerned officials.

10. In view of all these facts, the 3rd respondent is directed to release the sale deed, which has already been registered as Document No. 2150 of 2018. But however, the release is conditional to the petitioner giving an undertaking

that they would produce the original sale deed during every enquiry date and whenever called upon to do so and also that they will be available for enquiry before the Revenue Divisional Officer. The petitioner should also give an undertaking that they would not encumber the property or deal with the property in any manner whatsoever and not offer the sale deed as security for any transactions.

11.The Revenue Divisional Officer is requested to complete the process of enquiry into the stamp duty, which is leviable against the petitioner, on or before 31.08.2018. After such procedure is completed and upon payment of additional stamp duty, if it is so determined, the rectification deed may be received by the 3rd respondent.

12.With these observations, these Writ Petitions are disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (AD I)

/true copy/

Sub Asst. Registrar

vsg/sai

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Pattinapakkam, Chennai - 600 028.
2. The District Registrar,
Chennai South,
District Registrar Office,
Saidapet, Chennai.
3. The Sub-Registrar,
Neelangarai SRO,
Neelangarai, Chennai.
4. The Revenue Divisional Officer, Tambaram.

+2cc to Mr.T.K.S.Gandhi Advocate, sr.no.33724,33725
+1cc to Government Pleader, sr.no.33848

W.P. Nos. 12562 and 12563 of 2018

VGII (CO)
RRK (22/05/18)