

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 12.03.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.PARTHIBAN
W.P.No.16214 of 2010

Mr.Mugunthan
Mrs.Ramani

... Petitioners

Vs

The Sub-Registrar,
Virugambakkam,
Chennai 600 092.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent to release the sale deed dated 03.05.2010, registered as Doct.No.2544 of 2010, on the file of the respondent.

For Petitioners : Mr.T.S.N.Prabhakaran for
Mr.S.Jayasankar
For Respondent : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

Heard Mr.T.S.N.Prabhakaran, learned counsel for the petitioners and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondent.

2. The petitioner has approached this Court, seeking the following relief:-

"To issue a Writ of Mandamus, to direct the respondent to release the sale deed dated 03.05.2010, registered as Doct.No.2544 of 2010, on the file of the respondent."

3. The case of the petitioner is as follows:-

The petitioners are the husband and wife were allotted a commercial Plot No.326 at Old Vijayaraghavapuram, Chennai-93, comprised in T.S.No.39 part, Block No.45 of Saligramam Village, Egmore-Nungambakkam Taluk, Chennai District, measuring about 110 sq.mts. The allotment was made by the Tamil Nadu Slum Clearance Board. The allotment was in pursuance of the petitioners entering into lease-cum-sale agreement dated 01.03.1998, with the Tamil Nadu Slum Clearance Board, agreeing to pay the cost of the land to the Board.

4. After the lease-cum-sale agreement dated 01.03.1998, the entire cost of the land payable to the Board was paid and the Board has executed the sale deed dated 03.05.2010, in favour of the petitioners. The said sale deed was presented before the respondent and the same has been registered as Document No.2544 of 2010. However, till date, the sale deed dated 03.05.2010, has not been released by the respondent, despite the repeated request.

5. On enquiry, the petitioners came to know that the sale deed has been kept pending for proper evaluation of stamp duty on the ground that there was a deficit stamp duty in terms of G.O.Ms.No.9 dated 08.01.1998. According to the petitioners, the Government Order is not applicable to the economically weaker section like the petitioners herein.

6. However, when the writ petition was taken up for hearing, the learned counsel for the petitioners would submit that whatever be the deficit stamp duty payable on the instrument is ready and willing to pay as on date of registration of the document i.e., in 2010.

7. Upon notice, learned Special Government Pleader appearing for the respondent, entered appearance and made his submissions.

8. Since the petitioners have come forward to pay the deficit stamp duty as from the date when the instrument was presented in 2010, in the fitness of things, this Court directs the authority to release the document on payment of deficit stamp duty as applicable to the instrument submitted on behalf of the petitioners in 2010. The petitioners are directed to make good the deficit stamp duty as applicable on the date of presentation of the instrument, within a period of two weeks from the date of receipt of a copy of this order and thereupon, the respondent, within a period of one week, release the documents forthwith to the petitioners.

9. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsk

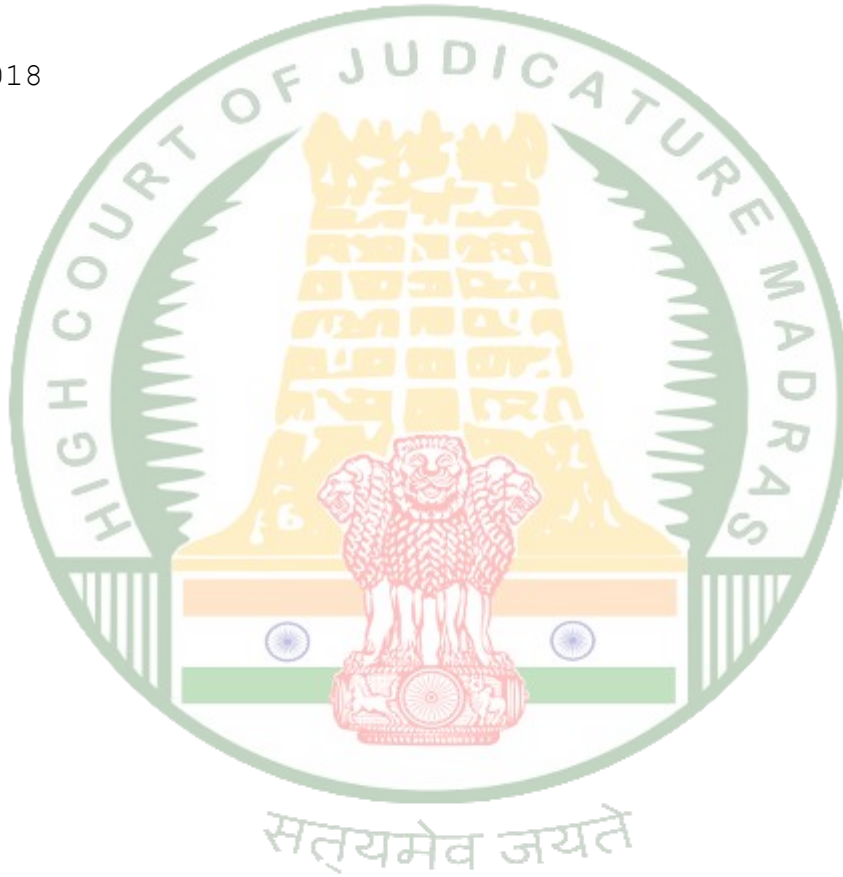
To

The Sub-Registrar,
Virugambakkam,
Chennai 600 092.

+1 cc to M/s.T.S.N.prabhakaran Advocate sr 18520
+1 cc to the Govt Pleader sr 18812

W.P.No.16214 of 2010

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