

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.09.2019

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.6368 of 2018

P.Thambidurai

.. Petitioner

/versus/

The Sub Registrar,
Office of the Sub-Registrar(Konnur),
131/132, M.T.H.Road, 1st Floor,
Villivakkam, Chennai 600 049.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to release the pending number to the regular number for the document registered via No.P109/2017, dated 14.07.2017 on the file of SRO, Konnur, Chennai for measuring an extent of 1200 square feet of vacant approved housing land.

For Petitioners :Mr.J.Milton Arul Rajendran

For Respondent :Mr.M.Thamizharasan, GA

O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus directing the respondent to release the pending number to the regular number for the document registered via No.P109/2017, dated 14.07.2017 on the file of SRO, Konnur, Chennai for measuring an extent of 1200 square feet of vacant approved housing land.

2. The petitioner herein has purchased a housing plot vide sale deed dated 14.07.2017 and the said sale deed was presented before the Sub Registrar Office, Konnur for registration on 14.07.2017 as Doc.No.P109/2017. The Sub Registrar has sought for certain documents to register the sale deed and return the same after assigning regular number. The petitioner

has made a representation to the respondent to release the document.

3. As per Section 47A of the Indian Stamp Act, he cannot register the document. If any difference amount to be paid by him, it can be collected as per the provisions of Revenue Recovery Act. In spite of his representation, the respondent has not returned the document. Hence, the petitioner has approached this Court seeking Mandamus directing the respondent to return the document after assigning the regular number.

4. In the counter, the respondent has categorically stated that the document presented by the petitioner for registration could not be assigned the regular number and kept it pending in view of the failure of the petitioner to produce the following documents:

- (i) Death and legal heir certificate of V. Jaganatha Mudaliar
- (ii) Life Certificate of the principal namely, J. Soundarrajan, son of V. Jaganatha Mudaliar.
- (iii) Certificate from the Sub registrar, Sembiam for non cancellation of the General Power of Attorney Document bearing number No. 3185/2005.
- (iv) Encumbrance Certificate.

5. The learned counsel appearing for the petitioner represents that on 22.07.2019 he has produced all the documents to the respondent for his consideration and now, there is no impediment for registration of the document and release the same.

6. If the petitioner has produced the required documents, the respondent herein shall consider the same, assign the regular number to the sale deed and return the original sale deed to the petitioner, after registration, within a period of four weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS VI)

//True Copy//

WEB COPY

Sub Assistant Registrar

ari

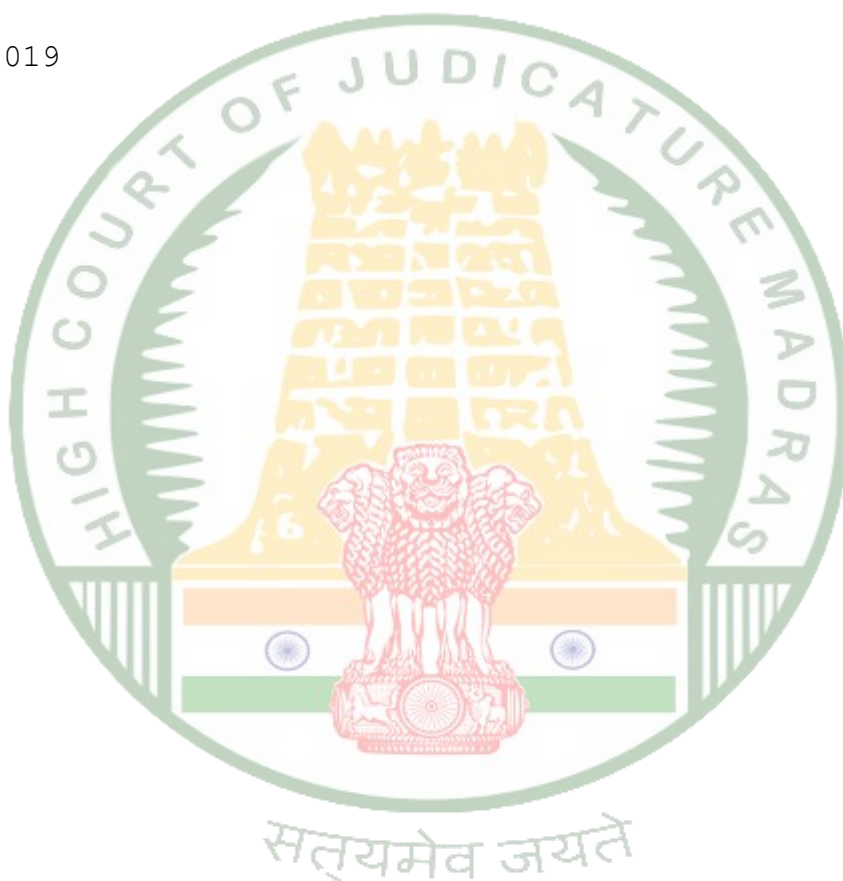
To:

The Sub Registrar,
Office of the Sub-Registrar(Konnur),
131/132, M.T.H.Road, 1st Floor,
Villivakkam, Chennai 600 049.

+1cc to Mr.J.Milton Arul Rajendran, Advocate sr.80498

W.P.No.6368 of 2018

nrl(co)
nr 31/10/2019



WEB COPY