



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

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THE HON'BLE Mr.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.23859 of 2017

S.John Peter

... Petitioner

-vs-

The Sub Registrar,
Manachanallur Sub Registrar Office,
Manachanallur Taluk,
Trichy District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to return the registered sale deed in document No.2918 / 2017 dated 15.11.2017, on the file of the respondent Office to the petitioner based on his representation dated 30.11.2017.

For Petitioner : Mr.S.M.Mohan Gandhi
For Respondent : Mr.M.Murugan
Government Advocate

O R D E R

Heard the learned counsel on either side.

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

3.The writ petitioner is the purchaser. The petition mentioned document was executed in his favour. The document in question is yet to be released. Therefore, seeking its release, this Writ Petition has been filed.

4.When the matter was taken up for hearing, the learned Government Advocate appearing for the respondent submitted that for finalising the issue as to whether proper stamp duty has been paid., the Registering Authority will have to conduct full inspection and only thereafter, arrive at the value of the property. In this case, it includes not only the land but also the superstructure. But it appears that the brother of the vendor has raised objections for measurement. Hence, the issue regarding the stamp duty cannot be finalised. Therefore, this is the only reason for non releasing the document in question.



5.I fail to appreciate the stand taken by the respondent. The petition mentioned document had indicated the sale consideration and value of the property. If the respondent wants to dispute the same, it is for the respondent to conduct the inspection and satisfy himself. The respondent cannot delay releasing of the document on the ground that he is unable to carry out the inspection. Inspecting the property that is the subject matter of transaction, is the statutory function of the respondent. If the respondent is facing any impediment or resistance, the Authority can always avail the aid of the local Police. The petitioner cannot be made to suffer for an inaction on the part of the Registering Authority. Therefore, the respondent is directed to conclude all the formalities and release the document in question within a period of eight weeks from the date of receipt of a copy of this order. If any deficit stamp duty has to be paid by the petitioner, it must of course be paid. This goes without saying.

6.The Writ Petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

Tsg

To

The Sub Registrar,
Manachanallur Sub Registrar Office,
Manachanallur Taluk,
Trichy District.

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate
(SR-64616[F] dated 30/04/2019)

+1 CC to M/s.SPL GP (SR-65106[F] dated 02/05/2019)

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ES/16.05.2019/2P/4C