

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.31802 of 2015

P.Lalithkumar

... Petitioner

Vs.

1.The Sub Registrar,
Lalkhan Street,
Chidambaram - 608 001.

2.The Inspector General of Registration,
Santhome,
Chennai.

3.The District Registrar,
Chidambaram.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus directing the respondents to release the document in the name and style of Settlement Deed executed in favour of the petitioner by his brothers dated 23.02.2015 registered under Doc.No.620/2015 without insisting the claim in view of the undated letter of the 1st respondent.

For Petitioner : Mr.S.Balasubramanian

For Respondents: Mr.P.P.Purushothaman,
Government Advocate

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondents to release the Settlement Deed executed in favour of the petitioner by his brothers dated 23.02.2015, registered under Doc.No.620/2015 without insisting the claim in view of the undated letter of the 1st respondent.

2.It is the case of the petitioner that he had presented the Settlement Deed for registration before the 1st respondent and the document was registered as Document No.620 of 2015, however, the 1st respondent refused to release the document stating that the petitioner's brothers, who had registered an Exchange Deed dated 19.06.2003, have not paid the deficit stamp duty.

3.Mr.P.P.Purushothaman, learned Government Advocate appearing for the respondents submitted that the Exchange Deed presented for registration by the petitioner's brothers was registered and released to them in the year 2003 itself. The learned Government Advocate also submitted that the petitioner had paid the requisite stamp duty in respect of the Settlement Deed dated 23.02.2015 and the same was also registered as Document No.620 of 2015.

4.If the petitioner's brothers have not paid the deficit stamp duty, the respondents should have initiated action for recovery of the deficit stamp duty against them and the petitioner's document cannot be with-held. In such view of the matter, I direct the 1st respondent to release the Settlement Deed dated 23.02.2015 registered as Document No.620 of 2015 to the petitioner within a period of two weeks from the date of receipt of a copy of this order, without insisting on the deficit stamp duty payable by the petitioner's brothers. I give liberty to the respondents to take necessary action for recovery of the deficit stamp duty from the petitioner's brothers in respect of the Exchange Deed dated 19.06.2003 registered as Document No.1639 of 2003.

5.With these observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

va

To

1.The Sub Registrar,
Lalkhan Street,
Chidambaram - 608 001.

2.The Inspector General of Registration,
Santhome, Chennai.

3.The District Registrar,
Chidambaram.

+1 cc to The Government Pleader, Sr.No. 29100

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SPD(CO)
RMP(29/09/2020)