



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.5524 of 2020

Central Bank of India,
Rep. By its Authorized Officer,
Thirupalaikudi Branch, D.No.154A, South Street,
Thirupalaikudi, Ramanathapuram District. ... Petitioner

Vs.

- 1.The Inspector General of Registration,
Office of Inspector General of Registration,
4/4, 4th Trust Link Street,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 600 004.
- 2.The Sub-Registrar,
2nd Joint Sub-Registrar Office,
Ramanathapuram,
Ramanathapuram District. ... Respondents

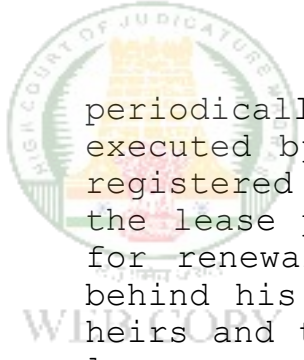
PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to register the lease deed dated 18.02.2018 executed between Mrs.Marrjun Beevi and Mr.Habeen Mohamed and the petitioner Bank within the time stipulated by this Court.

For Petitioner	:	Mr.B.Rajesh Saravanan
For Respondents	:	Mr.V.Anand
		Government Advocate

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the second respondent to register the lease deed dated 18.02.2018 executed between Mrs.Marrjun Beevi and Mr.Habeen Mohamed and the petitioner Bank within a time stipulated by this Court.

2.According to the petitioner/Bank, they have entered into a lease agreement with Sella Vappa on 13.09.1993 registered as Document No.873 of 1993 on the file of the second respondent and as per the said document, the lease period was for five years from 01.05.1993 with an option for renewal and the same was renewed

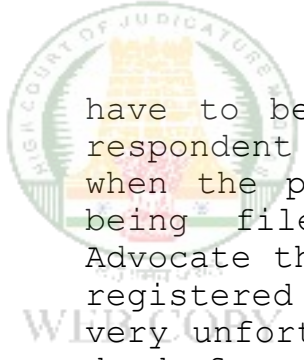


periodically. Subsequently, on 04.12.2006, another lease deed was executed by the said Sella Vappa in favour of the petitioner/Bank registered as Document No.1662/2006 and as per the said document, the lease period was for five years from 01.05.2003 with an option for renewal. In the mean time, the said Sella Vappa died leaving behind his wife Marrjun Beevi and son Habeeb Mohammed as his legal heirs and the said Marrjun Beevi and Habeeb Mohammed entered into a lease agreement dated 18.02.2018 with the petitioner/Bank. Hence, the petitioner/Bank presented the said lease deed before the second respondent for registration and in this regard, the petitioner/Bank paid a sum of Rs.13,255/- in the office of the second respondent by way of Online payment for registration fee. However, the second respondent refused to entertain and register the lease deed for registration stating that the previous two lease deeds have to be cancelled. The second respondent has also informed the petitioner/Bank that another lease deed dated 01.09.1997 entered between the said Sella Vappa and M/s.Thirupalaikudi Yusuff Habeeb Public Charitable Trust vide Document No.820 of 1997, should also be cancelled. The petitioner/Bank informed the second respondent that as the earlier lease deeds are for five years, after a lapse of five years, automatically, the said lease deeds would get lapsed and another lease deed dated 01.09.1997 is related to adjacent property and not related to the lease property and as such, there is no necessity to get them cancelled. According to the petitioner/Bank, the act of the second respondent in not registering the lease deed is against the law and insisting the petitioner/Bank to cancel the previous lease deeds is unwanted. Hence, the petitioner has filed the present Writ Petition.

3.The learned Government Advocate appearing for the respondents, on instructions, would submit that if the petitioner/Bank re-submits the papers, the same will be registered in accordance with the Tamil Nadu Registration Act and the Indian Stamp Act.

4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

5.On perusal of the materials available on record, it is seen that the petitioner/bank had entered into a lease agreement on 13.09.1993 with one Sella Vappa registered as Document No.873 of 1993 and thereafter, another lease deed was executed on 04.12.2006 registered as Document No.1662 of 2006 in the office of the second respondent. Now, after expiry of the aforesaid lease period, the petitioner/Bank had entered into a lease agreement with the legal heir of Sella Vappa and submitted the same before the second respondent on 18.02.2018 along with stamp duty of Rs.13,200/- for registration. But the second respondent refused to entertain and register the lease deed stating that the previous two lease deeds



have to be cancelled. The said action on the side of the second respondent / Sub-Registrar is totally high handedness, especially when the previous lease deed got expired. After the Writ Petition being filed, the Sub-Registrar has instructed the Government Advocate that if the said document is re-submitted, the same will be registered in accordance with the Registration Manual. But it is very unfortunate that the Sub-Registrar did not entertain the lease deed for registration. It is the duty of the Sub-Registrar to receive the said document. If there is necessity for verification or requirement of any documents, it is open to the Sub-Registrar to return the said document and seek for necessary documents for registration. The lease deed executed between the parties has to be registered by the Sub-Registrar's Office in accordance with law and the Sub-Registrar cannot refuse to receive the same. Therefore, this Court deprecates the Sub-Registrar for refusing to register the lease deed from the petitioner/Bank and the petitioner/Bank has paid the stamp duty of Rs.13,255/- on 18.08.2018 for registering the said document and the petitioner/Bank has been driven from pillar to post and finally approached this Court seeking the said relief. Hence, the act of the respondents is not justified and it requires imposition of heavy cost on the respondents. However, taking lenient view, this Court is not imposing the cost on the respondents for refusing to entertain the lease deeds submitted by the petitioner / Bank.

6. In view of the above stated facts and circumstances, this Court is inclined to pass the following orders:

(i) The petitioner is directed to re-submit the lease deed papers before the second respondent / Sub-Registrar, within a period of four weeks from the date of receipt of a copy of this order.

(ii) If the said papers are re-submitted within the aforesaid period, the second respondent has to proceed with the registration of the lease deed in accordance with the Tamil Nadu Registration Act and the Indian Stamp Act, as expeditiously as possible, and complete the same within a period of eight weeks thereafter.

(iii) It is stated that the petitioner has already credited the stamp duty amount of Rs.13,255/- to the Sub-Registrar's account. In the event of not permissible for accepting the said stamp duty amount, the second respondent has to return the said amount to the petitioner by paying interest at the rate of 6% from the deposited amount on 18.02.2018 till the refund of the said amount to the petitioner in his account.

(iv) On re-submission of the lease deed papers, the second respondent is hereby inform to the petitioner to pay the stamp duty amount, in case of stamp duty amount is refunded under clause (iii) of the order.



7. With the above directions, the Writ Petition is disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-III)

/ /2020

Sub Assistant Registrar(CS)

ps

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Inspector General of Registration,
Office of Inspector General of Registration,
4/4, 4th Trust Link Street,
Mullima Nagar, Mandavelipakkam,
Raja Annamalaipuram,
Chennai - 600 004.

2. The Sub-Registrar,
2nd Joint Sub-Registrar Office,
Ramanathapuram,
Ramanathapuram District.

+1 CC to M/s.GP (SR-13951[F] dated 13/08/2020)

Order made in
W.P. (MD) No.5524 of 2020
Dated:
12.08.2020

AP(15/09/2020) 4P 4C