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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM

THE HON'BLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.14707 of 2021
and
W.M.P.No.15608 of 2021

A.Karthikeyan

.. Petitioner

Vs.

1.The Sub-Register
Surampatti Sub-Registrar office,
Erode - 638 002.

2.Muthulakshmi
3.S.Rani
4.S.Nithya
5.S.Thaarani
6.T.Kasilingam

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the final notice dated 08.01.2021 issued by the 1st respondent in proceeding Na.Ka.No.261/2020 and quash the same and consequently direct the 1st respondent to register and release the exchange deed bearing no.1624/2020 dated 15.07.2020 and other supporting documents that have been submitted.

For Petitioner .. Mr.Kumaresh Babu
for V.Balamurugane

For R1 .. Mr.Yogesh Kannadasan
(Govt. Advocate)

ORDER

The writ petition has been filed in the nature of the Certiorarified Mandamus seeking interference with respect to notice dated 08.01.2021 issued by the 1st respondent / Sub-Registrar, Surampatti Sub-Registrar Office, Erode in Na.Ka.No.261/2020 and quash the same and consequently direct the 1st respondent to register and release an Exchange Deed bearing



interest or title over the same. The 1st respondent had also stated that the petitioner did not state why those machineries were not included in the Exchange Deed presented for registration.

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9. There appears to be a gap between the petitioner's intention and what he and the 2nd to 5th respondents wanted to convey by way of the Exchange Deed and what the Sub-Registrar, 1st respondent, presumably felt was actually sought to be conveyed.

10. This can be very easily clarified by the petitioner on producing document relating to tenancy and if the 6th respondent, hopefully if he co-operates, by producing documents relating to the title of the machineries which are embedded in the rented portion.

11. I would give an opportunity to the petitioner to once again to approach the 1st respondent with relevant documents and with relevant particulars relating to embedded machineries. This exercise should be completed within a period of three weeks along with a copy of this order. Thereafter, the 1st respondent may make necessary enquiries giving an opportunity of being heard to the petitioner and also if require hear the 6th respondent and thereafter pass a considered order with respect to imposing additional stamp duty and registration charges for the machineries. That exercise may be completed by the 1st respondent within a period of four weeks from the date on which clarification is issued by the petitioner herein. No other orders are required.

12. The impugned order is therefore interfered with and set aside and a request is placed on the 1st respondent to revisit the order on the basis of the representations / clarifications made by the petitioner.

13. This writ petition is disposed of with the above terms. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smv



To

The Sub-Register
Surampatti Sub-Registrar office,
Erode - 638 002.

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+1cc to Mr.V.Balamurugane, Advocate, S.R.No.38781
+1cc to the Government Pleader, S.R.No.39091

W.P.No.14707 of 2021

VBM(CO)
CT/25/08/2021