



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No. 22164 of 2021

C.P.Pramod Kumar

...Petitioner

Versus

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Mylapore, Chennai - 600 004.
2. The Special Tahsildar (Stamp Duty)
Registration Department,
Collectorate Campus,
Chennai - 600 001.
3. The District Registrar,
Registration Department,
Chengalpattu, Kanacheepuram District.
4. The Sub-Registrar,
Office of the Sub-Registrar,
Uthiramerur, Kancheepuram District.

5. P.Mahesh

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying Writ of Mandamus directing 4th respondent to release the registered Sale Deed dated 07.12.2018 in favour of the petitioner, registered as Document No.3332 of 2018 on the file of Sub-Registrar's Office, Uthiramerur, the 4th respondent herein to the petitioner.

For Petitioner : Mr.P.L.Thulasidass

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the 4th respondent to release the registered sale deed dated 07.12.2018 in favour of the petitioner, registered as Document No.3332 of 2018 on the file of Sub-Registrar's Office, Uthiramerur, the 4th respondent herein to the petitioner.



2. The case of the petitioner is that he is the purchaser of the vacant house-sites bearing Plot Nos.27 to 34 in the approved layout at 'Sri Sai Ganapathy Nagar' (Approved by DTCP vide Ma.Va./Na.U.Thu.E(Se.Ma.)No.262(R)/2018-File No.6243/2017), totally measuring to an extent of 9379 sq.ft., out of 94 cents (0.38.0 Hec.), covered under Patta Np.950, comprised in Survey No.58/3 of Elanagar Village, Uthiramerur Taluk, Kancheepuram District, from the 5th respondent by virtue of a registered sale deed vide Document No.3332 of 2018 dated 07.12.2018 on the file of Sub Registrar Office, Uthiramerur for a total sale consideration of Rs.8,81,626/-. During the registration of the sale deed, the vendor, the 5th respondent herein agreed to register the sale deed at his own cost in favour of the petitioner for the guideline value of Rs.94/- per Sq.ft., instead of Rs.134/-per Sq.ft., as demanded by 4th respondent. As per the request of 5th respondent, the 3rd respondent to register the said sale deed in respect of the said layout for the proper guideline value of Rs.94/- per Sq.ft., and the 5th respondent registered the same for various purchasers in the said layout and received the registered documents except the petitioner's sale deed. While so, the 4th respondent sent a letter to the 2nd respondent to direct the petitioner to pay the deficit stamp duty of Rs.26,261/- and registration fee of Rs.15,006/- in respect of the above said sale and kept the registered document pending with them till date. Hence, the petitioner appealed to the 2nd respondent to direct the 4th respondent to release the said registered sale deed who in turn directed the 4th respondent to release the same without insisting to pay the deficit stamp duty and registration charges. When the petitioner approached the 4th respondent, he refused to release the said registered sale deed, but the 4th respondent refused to release the above said registered sale deed without any valid reasons, stating that their computer shows that the petitioner has to pay the deficit stamp duty and registration fees and further directed the petitioner to approach the 1st respondent for rectification under Support Request No.6379188 dated 17.11.2020. The petitioner has approached the respondents several times for rectifying the above error, but, they had refused to rectify the error, because of the above said reasons, the petitioner is unable to collect his registered document No.3332 of 2018 on the file of the fourth Respondent Office. In the meanwhile, the Government of Tamil Nadu directed the Registration Department to issue the registered documents on the date of registration to the public without any delay. Whereas, the 4th respondent has still kept the document pending with them till date. Therefore, the petitioner has come forward with the present writ petition.

3.The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the fourth respondent to release the registered document



namely, sale deed dated 07.12.2018 on the file of Sub-Registrar's Office, Uthiramerur and dispose of the same within a stipulated time that may be framed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's case pleaded by the petitioner in the present writ petition, the Writ Petition is disposed of, the petitioner is directed to pay if any deficit stamp duty and registration fee u/s. 47A(1) of the Stamp Act, to the Competent Authority in respect of the aforesaid sale deed cited supra and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner and scrutinizing all the Revenue Records within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gba

1. The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Mylapore, Chennai - 600 004.
2. The Special Tahsildar (Stamp Duty)
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Office of the Sub-Registrar,
Uthiramerur, Kancheepuram District.

+2cc to Mr.P.L.Thulasidass, Advocate, S.R.No.57127
+1cc to the Government Pleader, S.R.No.570601

W.P.No. 22164 of 2021

GSM(CO)
RGA(01/12/2021)