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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P. No.24262 of 2019

Mr.P. Goverthanam

... Petitioner

-Vs-

1.The District Revenue Officer,
District Revenue Office.
No 62. Rajaji Salai,
Chennai Collectorate,
Opposite to Beach Station,
Chennai.

2. The Sub Registrar
Kazura Garden 2nd Street,
Neelangarai
Chennai- 600 041.

... Respondents

PRAYER: This Petition is filed under Article 226 of the Constitution of India, praying for the issue of writ of Mandamus or any other appropriate writ or order or direction directing the 1st Respondent to dispose of the petitioner's representation dated 08.07.2019 for return of the Sale Deed dated 28.03.2017 bearing document No.5524 of 2017 and pass orders accordingly.

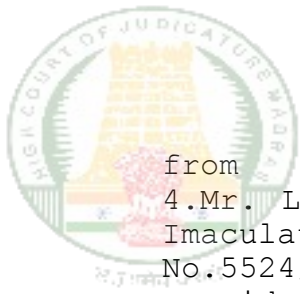
For Petitioner :: Mr.G.Senthilkumar

For Respondents :: Mr.V. Veluchamy
(Government Advocate)

O R D E R

The relief sought for in this writ petition is for a direction to the 1st respondent to dispose of the petitioner's representation dated 08.07.2019 for return of the Sale Deed dated 28.03.2017 bearing document No.5524 of 2017 and pass orders accordingly.

2. The learned counsel for the petitioner would submit that the petitioner herein purchased an extent of 424.7 cents in various survey numbers, Karapakkam Village, Kanchipuram District



from 1.Mr. Arokiya Raj, 2.Mrs. Arul Mary. 3. Mrs Jayaseeli, 4.Mr. Lourdhusamy, 5. Mr. Balamohan, 6. Mr. Depak, 7.Mrs. Divya Imaculate, by Sale Deed dated 25.07.2017 registered as document No.5524/2017 in the office of SRO, Neelangarai for a valid sale consideration. While the said document has been registered, there is no pending issue or impediment in releasing the document. But for the reasons best known to the 2nd respondent, the sale deed was not returned by the 2 Respondent namely the Sub Registrar, Neelangarai. As there was no response despite repeated requests in person, the petitioner made a representation dated 16.08.2017 requesting the 2nd Respondent to release the Sale Deed. As there was no reply from the 2nd respondent the petitioner took up the matter with the Inspector General of Registration, pointing out the unreasonable delay in releasing of documents by the 2nd respondent. However, the representation to Inspector General of Registration was also of no avail. Therefore, the petitioner filed Writ Petition in W.P. No 24915 of 2017 before this Court for a direction to consider his representation dated 16.08.2017 and 21.08.2017. This Court by its order dated 19.03.2018, directed the 2nd Respondent to consider the petitioner's representation and dispose of the same within a period of four weeks from the date of receipt of that order. However both authorities failed to do the same within the time frame fixed by this Court. Hence, the petitioner filed a contempt petition No.531 of 2010 against the 2nd Respondent ie.the Sub Registrar, Neelangarai. After receipt of notice in the contempt Petition, the 2nd Respondent herein by letter dated 29.03.2019 informed that the document No.5524/2017 was sent to the 1 Respondent for determination of the Stamp Duty and the 1st Respondent will return the document. Therefore, the petitioner made a representation dated 08.07 2019 to the 1st Respondent requesting him to return the original of document with necessary endorsement, so that the issue of stamp duty can be resolved in due course of time. After receipt of the petitioner's representation, the 1st Respondent neither returned the original of the document nor gave any reply.

3. It has been further submitted by the learned counsel for the petitioner that the petitioner is dire need of the document and he has to produce the same for the purpose of obtaining approval for laying out plots conversion and other requirements. Hence, the petitioner is left with no other alternative except to approach this Court by way of this Writ Petition by invoking its jurisdiction under Article 226 of the Constitution of India seeking for a direction to the 1st Respondent to dispose of the petitioner's representation dated 08.07.2019 for return of the Sale Deed dated 28.03.2017 bearing document No.5524 of 2017 and pass orders accordingly.



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4. The learned Government Advocate appearing for the respondent would submit that the respondents may be directed to return the Sale Deed in Document No.5524 of 2017 since the documents has been registered on the file of the 2nd respondent.

5. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent as well as perused the material available on records.

6. On going through the typed set of papers, it is seen that the necessary documents had been produced for registration and the same were registered as document No.5524/2017 on the file of the 2nd respondent for which the 2nd respondent issued a receipt for the same. However, the 2nd respondent does not return the document. As the same is pending for appropriate orders with regard to stamp duty before the 1st respondent, though the petitioner approached this Court in the year 2017, no action has been taken by the authorities concerned for releasing the said document neither to direct to pay the deficit stamp duty nor any other orders in this regard. Hence the petitioner again approached this Court seeking for intervention of this Court in the year 2019.

7. In view of the above, the first respondent is directed to consider and pass appropriate orders on the representation dated 08.07.2019 made by the petitioner by fixing the appropriate Stamp duty and then the same shall be forwarded to the Registration authorities/1st respondent herein, who in turn pass appropriate orders and release the said document within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the Writ petition is disposed of. Consequently, connected miscellaneous petition is closed if any. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



Copy to:

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+1cc to Mr.G.Senthil Kumar, Advocate Sr.49409

W.P. No.24262 of 2019

cp[co]
srg 02/11/2021