



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.16908 of 2021

WEB COPY

V.Sankari

... Petitioner

Vs.

1.The Special Deputy Collector (Stamps),
District Collector Office,
Madurai.

2.The District Registrar,
Dindigul Registration District,
Dindigul.

3.The Sub Registrar,
Sub Registrar Office,
Kodaikanal,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to receive the deficit stamp duty and register the release deed dated 23.06.2008, by considering the petitioner's representation dated 11.08.2021.

For Petitioner	: Mr.S.Vikram
For Respondents	: Mr.P.Subbaraj Counsel for State

ORDER

The petitioner seeks a direction to the respondents to receive the deficit stamp duty and register a release deed dated 23.06.2008 on the basis of the petitioner's representation dated 11.08.2021.

2.The petitioner states that a release deed dated 23.06.2008 was executed by two legal heirs of the original owner, Krishnan. By the said release deed, it is stated that 2/4th share in the property bearing Survey No.35/6 of an extent of 0.22.0 hectares and Survey No.35/7 of an extent of 0.55.0 hectares were released in favour of the petitioner's husband, namely, Vijayaraghavan.

3.The petitioner states that she approached a bank to avail of a loan. The bank concerned called upon the petitioner to submit a registered release deed. Therefore, the petitioner approached the respondents and offered to tender the deficit stamp duty. The present writ petition is filed in the said facts and circumstances.



4.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents.

5.Under Section 23 of the Registration Act 1908, except a Will, no other document shall be accepted for registration unless presented within four (4) months from the date of its execution. Under Section 25, the Registrar is empowered to condone a delay not exceeding four months subject to payment of a fine. In the case at hand, the relevant release deed was admittedly executed on 23.06.2008. Therefore, the said document cannot be registered at this juncture. Consequently, a mandamus cannot be issued to the respondents as prayed for by the petitioner.

6.For reasons set out above, W.P.(MD).No.16908 of 2021 is dismissed without any order as to costs. However, it will be open to the executant of such release deed to re-execute the release deed, which may thereafter be presented for registration.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Special Deputy Collector (Stamps),
District Collector Office,
Madurai.
- 2.The District Registrar,
Dindigul Registration District,
Dindigul.
- 3.The Sub Registrar,
Sub Registrar Office,
Kodaikanal,
District District.

+1 CC to M/s.SPL.GP (SR-29862[F] dated 22/09/2021)

W.P(MD).No.16908 of 2021
21.09.2021

RS (29.09.2021) 2P 5C

<https://hcservices.ecourts.gov.in/hcservices/>