



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8217 of 2022
and
W.M.P.No.8216 of 2022

Kumuthavalli

...Petitioner

Vs

The Sub Registrar, (D.R.Cadre),
Villivakkam Sub Registrar Officer,
Integrated Registration Complex,
Nolambur Phase II, 2nd Main Road,
Chennai 600 037.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the communication No.88/2022 dated 28.02.2022 on the file of the Respondent and quash the same as illegal and consequently direct he Respondent to return the Document vide Doc.No.6965/2021.

For Petitioner ... Mr. S. Deepika

For Respondents ... Mr. Yogesh Kannadasan,
Special Government Pleader.

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned order dated 28.02.2022 passed by the Respondent herein and a direction to the Respondent to return the Document vide Doc.No.6965/2021.

2. Learned Special Government Pleader takes notice for the respondent.

3. It is the case of the petitioner that after the demise of her son, the petitioner on deciding to settle the subject property in favour of her daughter-in-law and grand sons, had presented the Release Deed proposing to release 1/4th



of the subject properties in favour of her daughter-in-law, before the respondent herein to number the document, along with necessary stamp duty and registration charges. The Release deed having inadvertently been created only in favour of her daughter-in-law without including the name of her grand sons, the petitioner is liable to pay 11% of the stamp duty and registration charges, however, she could not pay the same due to some financial crisis. Hence, the Respondent had refused to number the document informing the petitioner that the subject document has been sent for 47 A enquiry. However, when the petitioner made a representation to the Respondent for return of document, the impugned order dated 28.02.2022 came to be passed stating that the subject document has been numbered. Challenging the same, the present petition has been filed seeking quashment of the impugned order.

4. Learned counsel for the petitioner submits that since the subject document having been sent for 47 A enquiry for non-payment of the deficit stamp duty, the petitioner may be permitted to participate in the 47 A proceedings and the document may be released after the conclusion of the proceedings.

5. Learned Special Government Pleader appearing for the Respondent submits that 47 A proceedings have already been initiated and the same will be concluded within a period of six weeks. Further, Form-I & Form-II notices will be issued to the petitioner.

6. In view of the fair submission of the learned Special Government Pleader, this Court without going into the merits of the case, is inclined to permit the petitioner to participate in the 47 A proceedings, however, the said proceedings shall be completed within a period of three months from the date of receipt of a copy of this order. Thereafter, the concerned Authority is directed to release the subject document in the manner known to law.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

NHS



To

The Sub Registrar, (D.R.Cadre),
Villivakkam Sub Registrar Officer,
Integrated Registration Complex,
Nolambur Phase II, 2nd Main Road,
Chennai 600 037.

+1cc to Mr.S.Deepika, Advocate SR.No.23121
+1cc to the Government Pleader SR.No.23843

W.P.No.8217 of 2022

EV(CO)
GN(06/06/2022)