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W.P.No.43753 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.43753 of 2016

D.Hemakumar

... Petitioner

Vs

The Sub-Registrar,
Office of the Sub Registrar,
Ashok Nagar,
Chennai-600 083.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of certiorarified Mandamus, to call for the records from the respondent impugned notice dated 04.11.2016 vide Na.Ka.No.672/2016 dated 04.11.2016 and to quash the same and also directing the respondent to return the original sale deed in respect of the Sale Deed registered as Document No.2793 of 2009 on the file of Sub-Registrar, Ashok Nagar, Chennai.

For Petitioner : Mr.J.Milton Arul Rajendran

For Respondents : Mr.G.Krishna Raja



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Additional Government Pleader

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ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records from the respondent impugned notice dated 04.11.2016 vide Na.Ka.No.672/2016 dated 04.11.2016 and to quash the same and also directing the respondent to return the original sale deed in respect of the Sale Deed registered as Document No.2793 of 2009 on the file of Sub-Registrar, Ashok Nagar, Chennai.

2.The case of the petitioner is that the petitioner purchased a property from one T.Fayaz Ahamed. The said Fayaz Ahamed executed a Sale Deed in favour of the petitioner vide registered Doc.No.2793 of 2009, dated 21.12.2009 on the strength of the Power of Attorney executed by the owner Julie Elizabeth. However, the said document was not returned to the petitioner. Therefore, the petitioner filed W.P.No.830 of 2011 before this Court seeking direction to the respondent to return the document and this Court vide its order dated 19.01.2011 directed the respondent to release the document after completion of the adjudication proceedings under Section



47A(4) of the Indian Stamp Act. Thereafter, the petitioner made representations to the respondent dated 18.07.2011 and 07.10.2016 for the return of the above said document and thereafter, the present impugned order is passed on the ground that there was a criminal case pending on the file of Central Crime Branch based on which the document was not returned. Hence, the present Writ Petition has been filed.

3.Learned counsel appearing for the petitioner submits that it would suffice if this Court issues direction to the¹¹ respondent to consider the petitioner's representation dated 07.10.2016 and pass appropriate orders, if there is no legal impediment, within a particular time frame fixed by this Court.

4.Learned Additional Government Pleader appearing for the respondent would submit that the document was registered in the year 2009, whereas, the petitioner made an application for return of the document only in the year 2016. However, for the very same dispute a criminal case pending on the file of the Central Crime Branch and also forwarded a letter to the respondent with regard to the pending criminal case in respect of the above



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said property vide his letter No.1280/DC CCB/vil/2010 dated 26.07.2010. He would further submits that if any direction is given by this Court, the same will be complied with.

5.In view of the aforesaid submissions, this Court is inclined to issue direction to the respondent to consider the petitioner's representation dated 07.10.2016, on merits and in accordance with law, after field inspection and if there is no legal impediment and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition is disposed of. No costs.

18.11.2022

Index : Yes/No
Speaking Order : Yes/No
gba

To

The Sub-Registrar,
Office of the Sub Registrar,
Ashok Nagar,
Chennai-600 083.



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M.DHANDAPANI,J.

gba

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