



W.P(MD)No.692 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.692 of 2015
and
M.P(MD)Nos.1 & 2 of 2015

K.Chandrasekar

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar,
Tuticorin Registration District,
Tuticorin.

3.The Sub-Registrar,
Kovilpatti,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the order, with no reference number passed by the third respondent, dated 28.02.2014 and quash the same as void and illegal and thereby directing the respondents, to return the



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document, dated 03.02.2014, executed by Kandasamy in favour of this petitioner, presented and registered on 03.02.2014, as per the statutory provisions of the Registration Act and Rules.

For Petitioner : M/s.F.X.Eugene

For Respondents : M/s.S.Jeyapriya
Government Advocate

ORDER

The present Writ Petition has been filed challenging the order passed by the third respondent herein, under which, he has refused to return a document, which has not been registered but kept pending in P4/14.

2. According to the learned Counsel for the petitioner, sale deed executed by his vendor Kandasamy in favour of the writ petitioner was registered on 03.02.2014. Without registering the said document, the third respondent has kept it pending, on the ground that O.S.No.41 of 2014 is pending. Further, under the impugned order, the third respondent has pointed out one Deepa had lodged an objection and there is a deficit stamp duty and hence, the document could not be registered.



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3. According to the learned Counsel for the petitioner, O.S.No.41 of 2014 has already been disposed of and the objection raised by Deepa does not relate to the property in dispute. He further submits that his client is ready to pay the deficit stamp duty.

4. Since the authorities under the Registration Act have no power to go into the title and O.S.No.41 of 2014 has already been disposed of, the order impugned in the writ petition is set aside. The third respondent is directed to register the document and release the same, on payment of deficit stamp duty.

5. With the above said observations, the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

08.11.2022

Index : Yes / No
Internet : Yes / No
btr



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.692 of 2015

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