



W.P.No.16490 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.16490 of 2017

and

W.M.P.Nos.17840, 17841 & 17842 of 2017

1. The Muslim Educational Association of Southern India,
Rep. By its Hon.Secretary
A.Mohamed Ashraf,
“Association Gardens”
Old No.7, New No.147, Peters Road,
Royapettah,
Chennai – 600 014.

2. MEASI Matriculation Higher Secondary School,
Rep. By its Hon. Secretary,
A.Mohamed Ashraf,
Old No.53, New No.113,
Angappa Naicken Street,
Chennai – 600 001.

... Petitioners

Vs.

The Joint Sub-Registrar-I,
District Registrar's Office,
Chennai Central,
Chennai – 600 001.

... Respondent



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the respondent dated 24.01.2017 in respect of the pending document No.P.76 of 2016, Book No.IV, on the file of the respondent, demanding payment of deficit stamp duty and registration fee and quash the same and direct the respondent to release the pending document No.P.76 of 2016, Book IV, on the file of the respondent and consequentially to refund the excess amount towards stamp duty and registration fees wrongly paid by the petitioners to the account of the pending Doc.No.P.76 of 2016, in Book-IV on the file of the respondent.

For Petitioners : Mr.P.V.Balasubramaniam
Senior Advocate
for Mr.Rishab R.Jain

For Respondent : Mr.P.Gurunathan
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus to call for the records dated 24.01.2017 in respect of the pending document No.P.76 of 2016, Book No.IV, on the file of the respondent, demanding payment of deficit stamp duty and registration



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fee and to quash the same and to direct the respondent to release the abovesaid pending document, and consequentially to refund the excess amount towards stamp duty and registration fees wrongly paid by the petitioners.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

3. It is the contention of the learned counsel for the petitioners that they submitted a Trust Deed for registration before the respondent. In spite of many requests and clarifications, the respondent has neither registered the Document nor released the same and refunded the amount paid by the petitioner inadvertently to the respondent. The respondent has no authority to keep the document pending without registering the same.



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4. The petitioner's document was presented before the respondent on 13.04.2016 on payment of Rs.7,95,555/- along with the demand draft drawn in favour of District Registrar, Chennai, Central in Bank of Baroda. Subsequently, the respondent neither registering the document nor returning the same.

5. This writ petition is pending from 2017 onwards. Even during the pendency of the writ petition, the respondent has neither filed the counter nor proceed with the petitioner's document. Despite sufficient opportunity having been given, the respondent has not filed counter affidavit, which shows the lethargic attitude on the part of the Government Official. When the matter is taken up for hearing today, the learned Special Government Pleader appearing for the respondent submitted that some order has been passed on 15.11.2023 with regard to the petitioner's document and admitted that he has not served the copy of the same to the petitioner and before this Court. Hence, the Inspector General of Registration is directed to take action against the respondent and file the action taken report before this Court on or before



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30.01.2024. Further the respondent is directed to serve the order/copy of the order said to have been passed on 15.11.2023 to the petitioner and the petitioner is at liberty to question/challenge the same as per law.

6. With the abovesaid direction, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

7. List the matter on 31.01.2024 for reporting compliance.

29.11.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

The Joint Sub-Registrar-I,
District Registrar's Office,
Chennai Central,
Chennai – 600 001.



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P.VELMURUGAN, J.

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