



W.P. (MD).No.9707 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.9707 of 2021

Mohamed Ismails

... Petitioner

Vs

1. The Inspector General of Registration,
Registration Department, 100,
Santhome High Road, Mailapur, Chennai 600 028.
2. The Deputy Inspector General of Registration,
Tirunelveli Region, Municipal Shopping Complex,
Opp to Corporation, Tirunelveli 1.
3. The District Register (Administration),
Tenkasi District, No.99, Swami Sannathi Street,
Tenkasi 627 811.
4. The Special Deputy Collector (Stamps),
O/o. the District Revenue Officer,
Virudhunagar.
5. The Sub Registrar,
Shenkottai, Taluk Office Campus, KC Road,
Shenkottai 627 809, Tenkasi District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to return the petitioner sale deed No.1096/2018, (TP/32629202/2018), dated 01.08.2018 within the period stipulated by this Court.

For Petitioner : Mr. M.Mohamed Sherbudeen

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

When the matter was taken up for hearing on 19.10.2023, this Court has passed the following order:

“The grievance of the petitioner is that the petitioner had purchased the subject property from one Gomathinayagam through the sale deed dated 01.08.2018. This document was presented for registration before the fifth respondent and it was assigned pending No.1096/2018. The fifth respondent wanted to ascertain the correct value of the property and therefore, he had forwarded the same to the fourth respondent. After nearly 18 months, during February 2020, the fifth respondent informed the petitioner to approach the fourth respondent. The petitioner approached the fourth respondent, who directed the petitioner to pay a sum of Rs.18,000/- as deficit stamp duty. The petitioner accordingly, paid that amount on 02.03.2020.



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2.The petitioner was under the impression that the document will be registered and handed over to the petitioner. Whiles, the fifth respondent once again directed the petitioner to pay a sum of Rs.10,273/- as deficit stamp duty. The petitioner complied with this direction also and paid this amount on 16.03.2020.

3.The grievance of the petitioner is that in spite of complying with all the directions, the document was not registered and handed over to the petitioner. Whereas the petitioner was informed that the fifth respondent has referred the document to the Deputy Collector (Stamps). Thereafter, there has been absolutely no progress and the petitioner left with no other option, filed the present writ petition seeking for a direction to the fifth respondent to register the document and return the same to the petitioner.

4.When the matter was taken up for hearing on 17.10.2023, this Court directed the Special Government Pleader to take instructions. Accordingly, the matter was posted for hearing today.

5.When the matter is taken up for hearing today, the learned Special Government Pleader produced the written instructions received from the fifth respondent. The fifth respondent has informed that the document was referred for valuation and the amount is yet to be determined by the Deputy Collector (Stamps).

6.In the considered view of this Court, the written instructions given by the fifth respondent does not give any



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details as to when the reference was made, before whom, it is pending and the stage of the proceedings.

7.In view of the above, either the document that has been presented for registration should be registered and returned back to the petitioner or on the other hand if there is undervaluation, all the details shall be provided by the fifth respondent before this Court to enable this Court to pass further order.

8.Post this matter under the caption 'for passing further orders'.

9.List on 09.11.2023.”

2.When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of the respondents submitted that the document was registered and it was also handed over to the petitioner.

3.Recording the same, this writ petition stands disposed of. No costs.

09.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM



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To

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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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09.11.2023