



WP (MD) No.16568 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.16568 of 2023

S.Swaminathan

... Petitioner

Vs

1.The District Registrar,
Office of the District Registrar,
(Department of Registration),
Madurai South,
Madurai.

2.The Sub Registrar,
Thirupparamkundram Sub Registrar Office,
Thirupparamkundram,
Madurai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the 2nd respondent to register the sale certificate issued by the II Additional Sub Judge, Madurai in favour of the petitioner in the book maintained by them and in consequence thereof direct to return the unused stamp duty and registration fee to the petitioner within the time stipulated by this Court.

For petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.M.Sarangan,

Additional Government Pleader



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ORDER

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The petitioner is an auction purchaser of housing plot measuring 18 cents 9 sq.ft comprised in New.S.No.138/6B, Perungudi Village, Thiruparangundram Taluk and Madurai District in the public auction held on 22.01.2018 in execution decree in E.P.No.76 of 2013 in O.S.No.287 of 2009 on the file of the learned II Additional Sub Judge, Madurai for the value of Rs.8,01,000/-. The sale was confirmed on 26.03.2018 and the sale certificate was issued to the petitioner by the learned Principal Sub Judge, Madurai on 29.01.2020 and the physical possession of the property was also handed over to the petitioner. The learned II Additional Sub Judge, Madurai vide his letter D.No.946, dated 03.06.2020 along with the Sale Certificate directed the first respondent to make necessary entries in the book maintained by them. With a grievance that the sale certificate has not been registered for the past three years, the petitioner has filed this writ petition for a Mandamus directing the second respondent to register the sale certificate issued by the learned II Additional Sub Judge, Madurai.



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2.The learned Additional Government Pleader appearing for the respondents submits that pursuant to the orders of this Court dated 18.07.2023, the petitioner's application was traced and necessary entries have been made in the book of the 2nd respondent on 01.08.2023. With regard to the return of the unused stamp duty and the registration charges, the petitioner has paid it through online on 09.03.2023 and therefore, after verifying the same, they would pass orders within a period of four months.

3.The learned Additional Government Pleader further submits that the delay in not registering the sale certificate was due to non- pursuance of the petitioner for the past 2 ½ years and due to the re-organisation of the jurisdictions of the Sub-Registrar Offices in Madurai South Registration District as per GO(PT)No.137 Region and Commercial Taxes Department, dated 03.10.2022.

4.Considering that part of the prayer has already been complied with and the respondents have also undertaken that they would refund the un-used stamp duty within a



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reasonable time, this writ petition is disposed of with a direction to the respondents to refund the un-used stamp duty to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

04.08.2023

dsk

To

- 1.The District Registrar,
Office of the District Registrar,
(Department of Registration),
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Madurai.
- 2.The Sub Registrar,
Thirupparamkundram Sub Registrar Office,
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B.PUGALENDHI, J.

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