



WEB COPY



W.P.No. 3460 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

**W.P.No.3460 of 2023
and
W.M.P.No.3529 of 2023**

R.Babu

... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2. The District Registrar (Administration),
Kancheepuram.

3. The District Registrar (Administration),
Thiruvallore District.

4. The Sub-Registrar,
Thiruthani, Thiruvallore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the 4th respondent herein to forthwith release the document under Document No.P91/2009 on the file of the Sub-Registrar, Thiruthani dated 24.09.2009 in respect of the property of an extent of 1117 Sq.Ft., in Plot No.11, 1110 Sq.Ft., in Plot No.12, 1100 Sq.Ft., in Plot No.13, 1087 Sq.Ft., in Plot No.14, 1080 Sq.Ft., in Plot No.15 of



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Agoor Village, Thiruthani Taluk, Thiruvallore District.

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For Petitioner : Mrs.AL. Ganthimathi, Senior Counsel
for M/s.S.Meenakshi

For Respondents : Mr.Tamil Vendan
Government Advocate

ORDER

This Writ Petition is filed for a Mandamus, directing the 4th respondent herein to forthwith release the document under Document No.P91/2009 on the file of the Sub-Registrar, Thiruthani dated 24.09.2009 in respect of the property of an extent of 1117 Sq.Ft., in Plot No.11, 1110 Sq.Ft., in Plot No.12, 1100 Sq.Ft., in Plot No.13, 1087 Sq.Ft., in Plot No.14, 1080 Sq.Ft., in Plot No.15 of Agoor Village, Thiruthani Taluk, Thiruvallore District.

2. Heard the learned counsel on either side.

3. The petitioner would state that he had purchased the property to an extent of 1117 Sq.Ft., in Plot No.11, 1110 Sq.Ft., in Plot No.12, 1100 Sq.Ft., in Plot No.13, 1087 Sq.Ft., in Plot No.14, 1080 Sq.Ft., in Plot No.15 of



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Agoor Village, Thiruthani Taluk, Thiruvallore District, for a valuable consideration by way of registered sale deed dated 03.12.2008, registered as Document No.8272 of 2008. However, the Survey Number was wrongly noted, which was only noticed later. Immediately a Rectification Deed was prepared and registered. The document was not released and the 4th respondent has allotted a pending number for the same. Thereafter, the 4th respondent had called upon the petitioner to pay deficit stamp duty. The petitioner has made the payment, however, the documents have not been released and the representations of the petitioner have fallen on deaf ears. Therefore, the petitioner is before this Court.

4. From the records, it is seen that initially, the 4th respondent had demanded payment of deficit stamp duty, which demand has been complied with. It is also contended by the petitioner that the 3rd respondent had directed the 4th respondent to release the document after receiving the deficit stamp duty, despite which, the same has not been released.

5. A perusal of the letter of the District Registrar of the 2nd respondent to the 4th respondent would indicate that the original document



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had been returned after receiving the deficit stamp duty and the 4th respondent was directed to release the document. The communication is dated 11.04.2022. Thereafter, the 4th respondent has issued a communication to the 2nd respondent asking for the opinion as to whether the document be released, as there was a double entry. The 2nd respondent has instructed the 4th respondent to follow the circular of the Inspector General of Registration dated 04.10.2018.

6. Therefore, this writ petition is allowed and mandamus is issued. Considering the fact that the 4th respondent had demanded deficit stamp duty and the same has been paid, there is no impediment for the release of the documents. The 4th respondent shall release the documents within a period of one week from the date of production of the order copy. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order/non-speaking order
Neutral Citation: Yes/No
ssn



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To

1. The Inspector General of Registration,
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Chennai.
2. The District Registrar (Administration),
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Thiruvallore District.
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