



WEB COPY

W.P.No.14333 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.05.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.14333 of 2024

G.Ramasamy

... Petitioner

versus

The Sub Registrar
Periamet Sub Registrar Office
Periamet
Chennai – 600 003.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to furnish the certified copy of the Document No.3585 of 2023 dated 28.06.2023 on the file of the respondent.

For Petitioner : Mr.P.Krishnan

For Respondent : Mr.H.Hasan Fizal
Additional Govt. Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.



2. Heard Mr. P.Krishnan, learned counsel for petitioner and Mr.H.Hasan Fizal, learned Additional Government Pleader for the respondent.

3. This Court through Hon'ble Mr.Justice Anand Venkatesh has taken a view that where the proceedings are pending under Section 47(A) of the Indian Stamp Act, 1899, the Sub Registrar can make an endorsement on the document that such proceedings are pending and issue a certified copy of the document to the person, who applies for the same.

4. Mr.H.Hasan Fizal, learned Additional Government Pleader appearing for the respondent would submit that the petitioner has to pay a stamp duty of nearly Rs.2.5 crores and in case the document is issued, he would never turn up to receive the original.

5. Under the provisions of the Indian Stamp Act read with the Indian Registration Act, in case the difference in amount is not paid, the Government has a first charge over the property. The first charge can be enforced as against the property as it has a covenant running with the land. Such a charge does not prevent the respondent from furnishing a certified copy of the Sale Deed.



6. Consequently, following the view laid down by the Hon'ble

Mr.Justice Anand Venkatesh in the case of *M.Habiba Vs. Sub-Registrar, Melapalayam, Tirunelveli* reported in *(2021) 5 MLJ 571*, there shall be a direction to the respondent to issue a certified copy of the document with a specific endorsement that Section 47(A) proceedings are pending.

Accordingly, this Writ Petition is disposed of. No costs.

29.05.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

gpa /sri

To

The Sub Registrar
Periamet Sub Registrar Office
Periamet
Chennai – 600 003.



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V.LAKSHMINARAYANAN, J.

gpa / sri

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