



WEB COPY



WP.No.25867 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.25867 of 2021

Antony M Vazhathara

.. Petitioner

Versus

1.The District Registrar,
Office of the District Registrar,
Coimbatore.

2.The Sub Registrar,
Peelamedu.

3.The Air Force Naval Housing Board,
Air Force Station,
Race Course, New Delhi.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent made in refusal Number : RFL/ Peelamedu / 39/ 2021 dated 7.10.2021 and quash the same and consequently direct the 2nd respondent to register the Memorandum of Deposit of title deed presented by the petitioner.

For Petitioner : Mr.N.Umapathi
For Respondents : Mr.P.Anandhakumar
Government Advocate.(For R1 & R2)



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ORDER

Challenge has been made to the refusal check-slip issued by the second respondent in registering the memorandum of deposit of title deed (MoDT) presented by the petitioner.

2. It is the case of the petitioner that the MoDT presented by the petitioner was refused to be registered on the ground that deficit stamp duty has not been paid and the proceedings under the Revenue Recovery Act would be initiated. Hence the writ petition.

3. The learned Government Advocate appearing for the respondents submitted that the refusal in registering the document is mainly on the ground that the value determined for the original document has not been paid and a counter has also been filed in this regard.

4. Heard both sides and perused the materials placed on record.

5. It is relevant to note that when an instrument has been referred under Section 47-A, unless the value has been determined and the amount has been paid, original documents will not be returned. Without the original documents, now the petitioner seeks to execute the MoDT, which cannot be permitted. In



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the case of *M/s.Sushil Infra Developers Private Limited in W.P.Nos.10345,*

10349, 10350, 8389, 8392 & 8395 of 2024, dated 29.04.2024, this Court had elaborately dealt with the issue and held that the refusal slip issued cannot be interfered with, particularly, when the document is already referred under under Section 47-A.

6.In such view of the matter, it is for the petitioner to work out his remedy by challenging the order of determination and file the appropriate appeal. Only when the original documents are released in favour of the petitioner, the question of depositing the said documents for creation of mortgage will arise.

7.Accordingly, I find no merits in this writ petition and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition, if any, is closed.

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05.06.2024

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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To,

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