



W.P.(MD) No.4712 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.4712 of 2023

and

W.M.P.(MD)Nos.4370, 4372 and 25502 of 2023

Ramesh

...Petitioner

-vs-

1.The District Registrar(Admin)
Registration Department,
Sivagangai.

2.The Sub Registrar,
Thiruppuvanam,
Sivagangai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Manadamus to call for the records relating to the proceedings of the second respondent made in P15/22 dated 07.06.2022 and consequential proceedings of first respondent made in Appeal No.1 of 2022 dated 17.11.2022 and quash the same and consequently direct the second respondent to register the sale deed dated 12.03.2022 submitted by the petitioner.

For Petitioner	: Mr.R.Murali
For Respondents	: Mr.P.Subbaraj Special Government Pleader



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ORDER

The order of the 1st respondent dated 17.11.2022 confirming the order of the second respondent refusing to register the document presented by the petitioner, is under challenge in this Writ Petition.

2.It is the case of the writ petitioner that the property in Survey No. 117/2, Kalathur Group Village, Tiruchuilli Taluk, Sivagangai District and Survey No.192/14, Sayalkudi Town, Ramanathapuram District, was purchased by the petitioner from one Nithyalakshmi. When the document was presented before the second respondent for registration, the same was refused to register on the ground that there was a title dispute. Thereafter, the petitioner approached the first respondent by way of filing an appeal. The first respondent also rejected the petitioner's appeal vide order dated 17.11.2022. Aggrieved by the same, the petitioner is before this Court.

3. Considering the facts and circumstances of the case, since there is a serious issue involved in the title and similar writ petition in W.P(MD).No.11553 of 2023 has already been filed in this regard,

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wherein this Court has passed order on 29.08.2024 directing the parties to approach the civil Court to decide the matter expeditiously. In view thereof, this Court is not inclined to interfere with the same. Therefore, the petitioner is also directed to approach the civil Court to establish his right.

4. Since the document has not been acted upon and registered, the stamp duty paid on the sale deed through online mode shall be refunded to the petitioner by the respondents within a period of two months from the date of receipt of a copy of this order.

5. It is also to be noted that the payment has been made through online on 13.03.2022 and the refusal order has been passed on 07.06.2022 and the same has been challenged by way of appeal before the first respondent/District Registrar. The said appeal has been dismissed on 17.11.2022. Thereafter, it appears that after served a copies, immediately the petitioner has filed this writ petition on 01.03.2023.



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6. Considering his case and the proceedings pending before this Court, the limitation for claiming the return of stamp duty will not come in the way in refunding the amount. At any event, pending proceedings are concerned, request for refund made in the writ petition is well within the time and hence, the respondents are directed to refund the amount to the petitioner. Since the very document has not been registered, the intended transaction is automatically fails. In such view of the matter, the petitioner is entitled to return the amount.

7. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

12.09.2024

NCC : Yes / No

Index : Yes / No

Rmk

To:

1.The District Registrar(Admin)
Registration Department,
Sivagangai.

2.The Sub Registrar,
Thiruppuvanam,

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Sivagangai District.



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N.SATHISH KUMAR, J.

Rmk

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