



W.P(MD)No.26205 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.26205 of 2024

Jayakumaran Nair

... Petitioner

Vs

1.The Special Collector (Stamp),
Tirunelveli,
Tirunelveli District.

2.The District Registrar,
Registration Department,
Tirunelveli,
Tirunelveli District.

3.The Sub Registrar,
Radhapuram Sub-Registrar Office,
Radhapuram,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the endorsement pertaining to the proceeding under Section 47(A) of the Registration Act made in encumbrances certificate corresponding to Document No.174 of 2019 dated 23.01.2019 on the file of the third respondent by considering the representation dated 13.06.2024 within a stipulated time fixed by this Court.



W.P(MD)No.26205 of 2024

For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction, directing the respondents to remove the endorsement made in the encumbrances certificate pertaining to the proceeding under Section 47(A) of the Registration Act in Document No.174 of 2019 dated 23.01.2019 on the file of the third respondent.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The petitioner and another had purchased the property comprised in Survey Nos.116/1 and 117/1 on 23.01.2019 vide registered Document No.174 of 2019 to an extent of 9 acres 31 cents. However, the document was retained by the third respondent and directed the petitioner to pay deficit stamp duty and accordingly, the petitioner paid deficit stamp duty and the document was released in favour of the petitioner. However, once again the



W.P(MD)No.26205 of 2024

petitioner was issued with notice dated 17.12.2019 thereby calling upon the petitioner to pay a further sum of Rs.38,14,185/- as deficit stamp duty. It was challenged before this Court in W.P(MD)No. 17389 of 2022 and this Court, by order dated 18.03.2024 set aside the proceedings. Though this Court granted liberty for further proceedings, so far no proceedings have been initiated in this regard. Therefore, the petitioner submitted a representation to delete the entry made in respect of the proceedings initiated under Section 47A of the Registration Act in the encumbrance certificate.

4.The learned counsel appearing for the respondents would submit that the respondents have no power to delete any entry made in the encumbrance of any transaction. However, the order passed by this Court in W.P(MD)No.17389 of 2022, dated 18.03.2024 can be entered into the book of records.

5.In view of the above, the third respondent is directed to make an entry of the order passed by this Court in W.P(MD)No. 17389 of 2022, dated 18.03.2024, thereby quashing the entire proceedings initiated under Section 47A of the Registration Act, in respect of the registration of the sale deed vide Document No.174



W.P(MD)No.26205 of 2024

of 2019, dated 23.11.2019 within a period of two weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

07.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



W.P(MD)No.26205 of 2024

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To

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Tirunelveli District.
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W.P(MD)No.26205 of 2024

G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.26205 of 2024

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