



W.P (MD).No.29963 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.29963 of 2024

A.Rukmani

...Petitioner

Vs.

The Sub-Registrar,
Vasudevanallur Sub-Registrar Office,
Vasudevanallur,
Tenkasi District.

...Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to release and handover the petitioner's sale deed dated 21.06.2018 as registered under his office at Book No.1 in Document No.745/2018 on the basis of petitioner's representation dated 19.10.2024.

For Petitioner : Mr.T.Selvan
For Respondent : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This writ petition has been filed for a direction directing the respondent to release and hand over the sale deed, which was presented for registration, dated 21.06.2018.



W.P (MD).No.29963 of 2024

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

3. The petitioner had purchased the property comprised in Survey No. 1131/1 to an extent of 82 cents situated at Naranapuram Part 1 Village, Sivagiri Taluk, Tenkasi District by the registered sale deed, dated 21.06.2018 and the same was presented for registration. It was registered as document No. 745/2018, however, it was not released in favour of the petitioner. It was withheld on the ground that there was a deficiency in stamp duty. Subsequently, an order has been passed on 31.08.2020 thereby, directed the petitioner to pay the deficit stamp duty.

4. The contention of the petitioner is that though the petitioner was directed to pay the deficit stamp duty, the registered sale deed ought to have been returned to the petitioner.

5. Admittedly, the petitioner's sale deed was referred under Section 47-A of the Indian Stamp Act and the petitioner was directed to pay the deficit stamp duty. However, the respondent cannot withhold the document without returning the same to the petitioner.



W.P (MD).No.29963 of 2024

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6. In view of the above, the respondent is directed to return the original sale deed, which was registered as document No. 745/2018, to the petitioner within a period of two weeks from the date of receipt of a copy of this order. The respondent is at liberty to recover the deficit stamp duty in the manner known to law.

7. With the above direction, the writ petition is disposed of. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

16.12.2024

To

The Sub-Registrar,
Vasudevanallur Sub-Registrar Office,
Vasudevanallur,
Tenkasi District.



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W.P (MD).No.29963 of 2024

G.K.ILANTHIRAIYAN, J.

am

W.P (MD).No.29963 of 2024

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