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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-03-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 6839 of 2025

1. R.Shivani

Petitioner(s)

Vs

1. The Inspector General of Registration,
No. 100, Santhome High Road,
Pattinappakkam, Chennai -600 028.

2. The Sub Registrar,
The Sub Register Office,
No. 38, 3rd Main Road, Ram Nagar,
Rajalakshmi Nagar, Velachery,
Chennai -600 042.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the Refusal Check Slip No. RFL/Velacheri/9/2025 dated 24.01.2025 issued by the 2nd Respondent in respect of the Release Deed executed by the Petitioner to



and in favour of her Grand Mother Mrs.A.Lakshmi Bai, Quash the same and consequently direct the 2nd respondent to Register the Release Deed dated 24.01.2025 executed by the Petitioner herein under Article 55 of the Indian Stamp Act with concessional stamp duty and registration fees.

For Petitioner(s): Mr.S.Ganesh

For Respondent(s): Mr.U.Baranidharan
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip issued by the 2nd respondent dated 24.01.2025 and for a consequential direction to the 2nd respondent to register the Release Deed dated 24.01.2025 executed by the petitioner in favour of her grandmother.

2. When the matter came up for hearing on 28.02.2025, this Court passed the following order:

*Mr.U.Baranidharan, learned Special Government Pleader,
takes notice for respondents.*

2. The subject matter of challenge in the present writ



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respondent dated 24.02.2025 wherein the 2nd respondent has insisted for the payment of the stamp duty of Rs.2,70,007/- and registration fee of Rs.40,000/- on the ground that the grand daughter in whose favour the settlement deed is executed by the grand mother do not fall within the explanation "family".The issue involved is squarely covered by the earlier orders passed by this Court.

3. The learned Special Government Pleader seeks for some more time to take instructions.

4. Post this case at the end of the motion list on 06.03.2025.

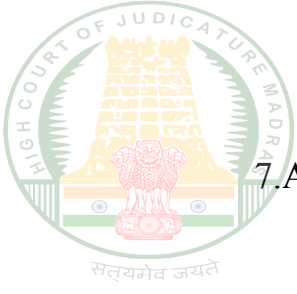
3.The learned Special Government Pleader appearing on behalf of the respondent submitted that as against the order passed by the learned Single Judge in ***V.R.Chandana vs. Inspector General of Registration, Chennai 600 028*** reported in ***2024 2 Writ LR 367***, an appeal has been filed in W.A.No.3349 of 2024 and the judgment of the learned Single Judge has been stayed in CMP No.25969 of 2024 by an order dated 19.11.2024.



4. In my considered view, the learned Single Judge had taken into account all the earlier judgments and has come to a conclusion that the expression 'Father' and 'Mother' used in explanation to Article 58 should be understood as 'Grandfather' and 'Grandmother' with reference to the other expression 'Grandchild' used in the very same explanation. I am in complete agreement with the judgment of the Hon'ble Mr. Justice. S. Sounthar in the case of *V.R. Chandana* referred *supra*.

5. The fact that the order passed by the learned Single Judge has been taken on appeal and stay has been granted, cannot tie the hands of this Court to deal with the issue in hand since this judgment in force as on today.

6. In the light of the above discussion, the impugned refusal Check Slip issued by the 2nd respondent dated 24.01.2025, is hereby quashed and there shall be a direction to the 2nd respondent to register the Release Deed, if it is otherwise in order.



7. Accordingly, this writ petition stands allowed. No Costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Inspector General of
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No. 100, Santhome High Road,
Pattinappakkam, Chennai -600 028.

2. The Sub Registrar,
The Sub Register Office, No. 38, 3rd
Main Road, Ram Nagar, Rajalakshmi
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N.ANAND VENKATESH J.

SSI

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