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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 12773 of 2025

P.Thambidurai

Petitioner(s)

Vs

1.The Sub Registrar/registration Officer
O/o.The Sub Registrar,
Thiruvottiyur, Chennai.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to call for the records of the Respondent pertaining to the refusal Check Slip No.RFL/Thiruvottiyur/4/2025, dated 04.03.2025 for the Registration of the cancellation of Sale Deed bearing Doc. No.8428/2021, Book-1 on the file of SRO, Tiruvottiyur, issued by the Respondent and quash the same and directing the respondent for the Registration of the cancellation of the sale Deed bearing Doc. No.8428/2021, Book -1 dated 05.10.2021, on the file of SRO Tiruvottiyur.



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For Petitioner (s): Mr.S.Govindarajan
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 respondent dated 04.03.2025 and for a consequential direction to the respondent to register the Cancellation Deed dated 28.02.2025.

2.Heard Mr.S.Govindarajan, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of respondent.

3.The refusal Check Slip has been issued by the respondent mainly on two grounds. The first ground is that the petitioner did not produce the original title deed. The 2nd ground is that a Sale Deed has already been executed by the petitioner on 02.03.2020 which was registered as Document No.2443 of 2020 and he had conveyed the entire extent of 2412 Sq.Ft. Therefore, even if the nomenclature of the document is that of a Cancellation Deed, it virtually



amounts to re-conveyance of the property in favour of the petitioner. Therefore,

the respondent has insisted for the payment of necessary stamp duty and registration charges.

4. Insofar as the 1st ground is concerned, the learned counsel for the petitioner submitted that the original title deed has been marked in the pending criminal proceedings and therefore, the petitioner is in possession of only the certified copy of the document.

5. In such an event, the petitioner must explain the same by inserting a recital in the document and explaining the reason for non-availability of the original title deed.

6. The second ground is that the petitioner did not pay the necessary stamp duty and registration charges.

7. As rightly contended by the learned Special Government Pleader, the Sale Deed has already been executed by the petitioner and the title has been



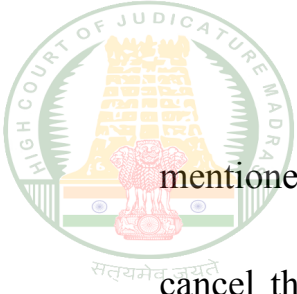
conveyed and therefore, relying upon the judgment of the Full Bench of this

Court in *Latif Estate Line India Ltd. v. Hadeeja Ammal* reported in *2011 1 LW*

673, it was contended that the property can only be reconveyed in favour of the petitioner. In such an event, the stamp duty and the registration charges as is payable for a regular Sale Deed must be paid in order to enable the respondent to register the document.

8. In reply to the above submission, the learned counsel for the petitioner submitted that what was sought to be conveyed by the petitioner was only 603 Sq.Ft., out of 2412 Sq.Ft., and due to a typographical error, the entire 2412 Sq.Ft., was mentioned in the document. That is the reason why the parties have ultimately, decided to cancel the document and the sale consideration is also repaid back.

9. If the Sale Deed is cancelled based on the above reasons, necessary recital must be included in the Sale Deed itself to the effect that the petitioner had intended to convey only 603 Sq.Ft., out of 2412 Sq.Ft., and it was wrongly



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mentioned in the Sale Deed as 2412 Sq.Ft., and that the parties have decided to cancel the Sale Deed itself. If such a recital is made, the respondent will be made aware of the fact that there was *consensus ad idem* only to an extent of 603 Sq.Ft., and not for the entire extent of 2412 Sq.Ft. In such case, what will be re-conveyed back to the petitioner will only be 603 Sq.Ft.

10.If the petitioner pays the necessary stamp duty and registration charges for 603 Sq.Ft., the Cancellation Deed dated 28.02.2025 can be entertained and registered, if it is otherwise in order.

11.In the result, this writ petition stands allowed in the above terms. No Costs.

21-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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The Sub Registrar/Registration Officer
O/o.The Sub Registrar,
Thiruvottiyur, Chennai.



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7/7

WP No. 12773 of 2



N.ANAND VENKATESH J.

SSR

WP No. 12773 of 2025

21-04-2025