BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 07/01/2026

CORAM

The Hon`ble Mr.Justice KRISHNAN RAMASAMY

WP(MD). No.240 of 2026

Murugesapandian ... Petitioner

Vs

1. The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam, Tirunelveli District..

2. The Deputy Collector (Stamps),
Tirunelveli District, Kokkirakulam,
Tirunelveli 627 009. ... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to release the sale deed Document No. 2756/2014 dated 12.05.2014 registered before 1st respondent.

For Petitioner : Mr.T.Selvan
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus directing the respondents to release the sale deed Document No. 2756/2014 dated

12.05.2014 registered before 1st respondent.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents. By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

3. The petitioner presented the document/sale deed for registration on 12.05.2014. However, the same was neither registered nor returned to the petitioner.

4. The learned counsel for the petitioner fairly submits that the sale deed was retained on the ground that due to deficit stamp duty, proceedings under Section 47A of the Stamp Act has been invoked.

5. The learned Special Government Pleader, on the other hand, would submit that though around Rs.9 lakhs ought to have been paid as stamp duty, the petitioner has not chosen to pay the said amount and hence, the document has not been registered and returned and it is for the

petitioner to pay the said deficit duty and get back the document in question. However, he fairly submits that even though the document is returned at the request of the petitioner, a charge will be created on the subject property to the extent of deficit stamp duty in terms of Section 47A(4) of the Stamp Act.

6. Such being the case, I do not find any impediment for the respondents to return the sale deed by making due endorsement in accordance with law. Needless to say, the charges would be to the extent of deficit Court fee and it is for the authorities to initiate appropriate recovery proceedings, if at all there is any deficit stamp duty.

7. With the aforesaid observation, the writ petition is disposed of. No costs.

07.01.2026

NCC : Yes/No
Index : Yes/No
RR

TO
1. The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam, Tirunelveli District..

2. The Deputy Collector (Stamps),
Tirunelveli District, Kokkirakulam,
Tirunelveli 627 009.

KRISHNAN RAMASAMY, J

RR

ORDER
IN
WP(MD) No.240 of 2026

Date : 07.01.2026