

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30/01/2003

CORAM

THE HON'BLE MR.JUSTICE P. SATHASIVAM

WRIT PETITION NO.45357 OF 2002

M. Kasturi ... Petitioner

-Vs-

1. The Inspector General of Registration,
120, Santhome High Road,
Chennai 28.

2. The Registrar,
Office of the Sub-Registrar,
Kodambakkam, Chennai 24.

3. The Special Deputy Collector (Stamps),
Collector Office,
V Floor, Singaravelar Maligai,
Rajaji Salai, Chennai.1. ... Respondents

Writ Petition under Article 226 of the Constitution of India for issue
of a writ of mandamus as stated therein.

For Petitioner : Mr.S.Sethuraman

For Respondents : Mr.D.Krishnakumar, Spl.Govt.Pleader

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:ORDER

The petitioner has approached this Court to issue a writ of mandamus
directing the respondents to deliver the sale deed dated 27.03.2000 bearing
Document Nos.1150/2000, 1151/2000, 1152/2000 and 1153/2000 registered on the
file of the second respondent.

2. On direction, the learned Special Government Pleader takes notice
for the respondents.

3. It is the grievance of the petitioner that though the second
respondent has registered the sale deed dated 27.03.2000 as Document
Nos.1150/2000, 1151/2000, 1152/2000 and 1153/2000, the documents have not been
returned till date.

4. Considering the grievance expressed and in the light of the order passed by a Division Bench of this Court in W.A.M.P.Nos.4665 and 466 6 of 2002 in W.A.Nos.2751 and 2752 of 2002, this writ petition is disposed of with the following directions:-

(i) The respondents are directed to return Document Nos.1150/2000, 1151/2000, 1152/2000 and 1153/2000 with an endorsement that the matter in issue is pending before the Special Deputy Collector (Stamps) under Section 47A(1) of the Registration Act;

(ii) The petitioner is to furnish security in the form of immovable property to the extent of the difference amount in the stamp duty to the satisfaction of respondents 2 and 3;

(iii) The petitioner is to file an affidavit undertaking not to alienate or encumber the property in question till the payment of additional stamp duty, if any.

On fulfilling the above conditions, respondents 2 and 3 are directed to return Document Nos.1150/2000, 1151/2000, 1152/2000 and 1153/2000. No costs.

Index:Yes

Internet:Yes

To

1. The Inspector General of Registration,
120, Santhome High Road,
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2. The Registrar,
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Kodambakkam, Chennai 24.

3. The Special Deputy Collector (Stamps),
Collector Office,
V Floor, Singaravelar Maligai,
Rajaji Salai, Chennai.1.

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