IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.8.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1003 of 2015

1. The Sub Registrar,
Sub Registrar's Office,
Selaiyur, Chennai 73

2.The Inspector General of Registration,
Office of Inspector General of Registration,
Santhome High Road,
Chennai 28. ...Appellants

versus

V.K.Sigamani ...Respondent

Appeal filed against the order passed by this Court dated 5.1.2015 passed in W.P.No.34705 of 2014.

Presented Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to forthwith return the Registered Sale Deed being Document No.7335/2014, being retained by the first respondent.

For appellants : Mr.P.S.Shivashanmugasundaram

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

This intra court appeal is directed against the order dated 5 January 2015 in W.P.No.34705 of 2014 whereby and whereunder, the learned Single Judge directed the appellants to return the registered sale deed without prejudice to the pending proceedings initiated under Section 47-A of the Indian Stamp Act.

2. The respondent filed a suit in O.S.No.335 of 2009 before the Principal District Judge, Chengalpattu. The suit filed for specific performance was decreed by the Trial Court and the same resulted in execution of a sale deed by the learned Principal District Judge on 11 January 2014. Though the Sub Registrar registered the document, further action was not taken to return the document on account of the pendency of proceedings under Section 47A of the Indian Stamp Act. The respondent therefore filed the Writ Petition. The learned Single Judge allowed the Writ Petition by directing the Sub Registrar to return the document.

3. The learned Government Pleader appearing for the appellants submitted that the learned Single Judge directed the Sub Registrar to return the documents without even affixing seal with regard to the pendency of undervaluation proceedings and as such, the order is liable to be set aside.

4. There is no dispute that the appellants initiated proceedings under Section 47-A of the Indian Stamp Act on the ground that proper stamp duty has not been paid while registering the document bearing No.7335/2014. Pendency of proceedings under Section 47-A of the Stamp Act cannot be a ground to keep the document pending with the Sub Registrar. Though the learned Single Judge was correct in directing the appellants to return the document, the appellants are justified in their contention that they should have been permitted to make an endorsement with regard to the pendency of proceedings under Section 47A of the Stamp Act.

5. Even though we are not inclined to take a different view in the matter, still, we feel that interest of justice would be sub served only by permitting the appellants to return the sale deed bearing document No.7335 of 2014, after making an endorsement on the reverse side of the document and the relevant register indicating the pendency of proceedings under Section 47A of the Indian Stamp Act.

6. The writ appeal is dismissed with the above observation. No costs. Consequently, M.P.No.1/2015 is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

tar

To

1. The Sub Registrar,
Sub Registrar's Office,
Selaiyur, Chennai 73

2.The Inspector General of Registration,
Office of Inspector General of Registration,
Santhome High Road,
Chennai 28.

1 CC to the Government Pleader, SR.No. 40239

W.A.No.1003 of 2015

TEJ (CO)
PSI (18.08.2015)