

In the High Court of Judicature at Madras

Dated: 21.08.2015

Coram:

The Honourable Mr.Justice SATISH K. AGNIHOTRI
AND
The Honourable Mr.Justice K.K.SASIDHARAN

W.A.No.1128 of 2015
& M.P.No.1 of 2015

1. The District Revenue Officer (Stamps)
Collectorate Office
5th Floor, M. Singaravelar Maligai
32, Rajaji Salai
Chennai-600 001.
2. The Sub Registrar of Mylapore
Mylapore Registrar Office
New No.100, Santhome High Road
Santhome, Chennai-600 004. .. Appellants/Respondents

vs.

T. Kamalakannan .. Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 22 July 2014 in W.P.No.19050 of 2014 on the file of this Court.

WP.NO.19050 of 2014: Writ Petitions filed Under Article of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 2nd respondent herein to release the Sale Deed dt 2.6.2014 bearing No. 1596/2014 on the file of the 2nd respondent herein.

For Appellants : Ms. A. Sri Jayanthi
Spl. Govt. Pleader

For Respondent : Mr.R. Ramesh

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

This writ appeal is directed against the order dated 22 July 2014 in W.P.No.19050 of 2014 whereby and whereunder, direction was issued to the appellants to return the sale deed to the respondent after making necessary endorsement.

2. The learned Special Government Pleader contended that while directing the appellants to return the document, the learned Single Judge failed to give liberty to make a charge over the property taking into account the under-valuation proceedings.

3. The learned Single Judge directed the appellants to return the registered sale deed dated 2 June 2014 after making necessary endorsement with regard to the pending reference under Section 47-A of the Indian Stamp Act. It is the grievance of the appellants that the parties after return of document would not co-operate for an early disposal of the matter.

4. We permit the appellants to make a charge over the property with respect to the stamp duty to be determined by the Collector under Section 47-A of the Indian Stamp Act. We also direct the respondent to co-operate with the appellants for an early disposal of the statutory proceedings. In case the respondent fails to appear before the statutory authority for taking up the proceedings under Section 47-A of the Indian Stamp Act, it is open to the concerned authority to pass orders on merits and as per law.

5. The intra court appeal is disposed of with the above direction. Consequently the connected MP is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Revenue Officer (Stamps)
Collectorate Office
5th Floor, M. Singaravelar Maligai
32, Rajaji Salai
Chennai-600 001.

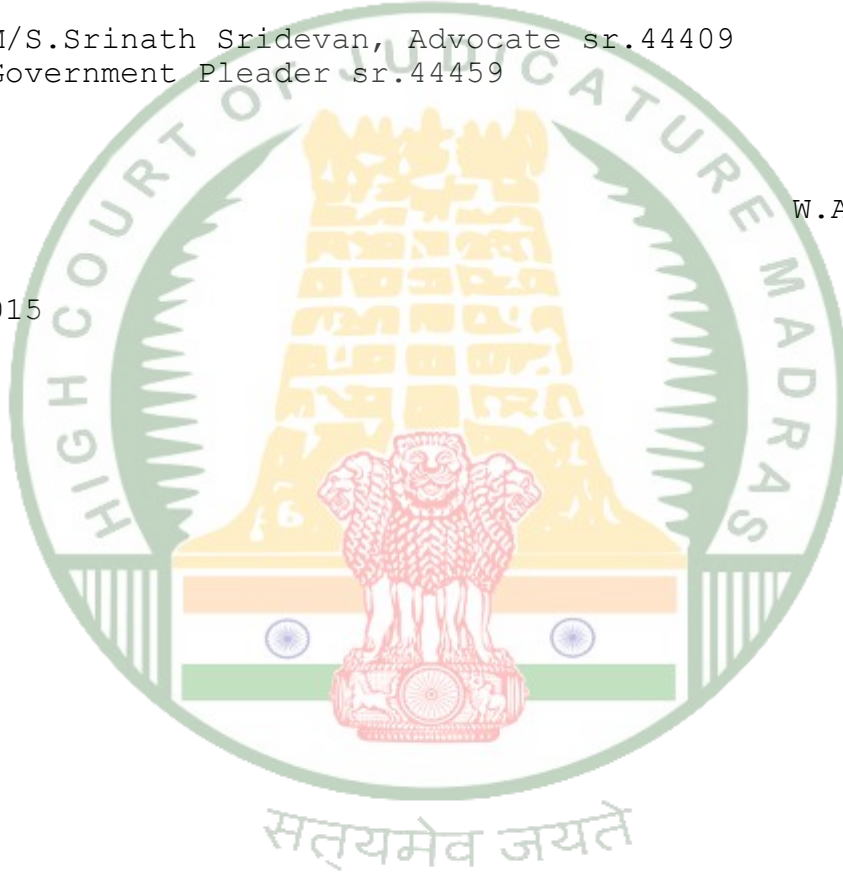
2. The Sub Registrar of Mylapore
Mylapore Registrar Office
New No.100, Santhome High Road
Santhome, Chennai-600 004.

+1 cc to M/S.Srinath Sridevan, Advocate sr.44409

+1 cc to Government Pleader sr.44459

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