

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND

THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.A. No.1507 of 2015

and

M.P. No.1 of 2015

- 1 The Special Deputy Collector (Stamps)
Cuddalore, Cuddalore District
- 2 The Sub Registrar
Sub-Registrar's Office
Panruti
Cuddalore District ...Appellants/Respondents

Vs.

P.S.R. Sathyamurthy ...Respondent/Petitioner

Writ Appeal preferred under Clause 15 of the Letters Patent against the order of this court dated 16.06.2015 made in W.P. No.15471 of 2015.

W.P.No.15471 of 2015:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to return the Original Document No.1414 of 2012 to the petitioner.

For appellants : Mrs. A. Srijayanthi
Special Government Pleader

JUDGMENT
(delivered by SATISH K. AGNIHOTRI, J.)

The challenge in this intra-Court appeal is to the order dated 16 June 2015 passed in W.P.No.15471 of 2015.

2 For the sake of brevity and clarity, the parties are referred to as per their rank in the instant appeal.

3 The respondent preferred the instant writ petition being W.P.No.15471 of 2015, seeking a direction to the appellants to return the original document no.1414 of 2012 to him.

4 The learned Single Judge, noticing the fact that the said document was registered as document No.1414 of 2012, directed the second appellant to return the document with an endorsement that a reference under Section 47-A(1) of the Indian Stamp Act has been made for fresh adjudication.

5 It is a well settled principle of law that once a document has been duly registered, the same cannot be retained by the Registering Authority, even if the same has been referred for a fresh adjudication. The learned Single Judge had directed return of the said document, subject to certain conditions. We have examined those conditions. The said conditions provide sufficient safeguard to ensure recovery of fee, if any, as and when occasion arises.

6 In that view of the matter, we are not inclined to interfere with the order sought to be impugned herein. Accordingly, the writ appeal is dismissed. No costs. Connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

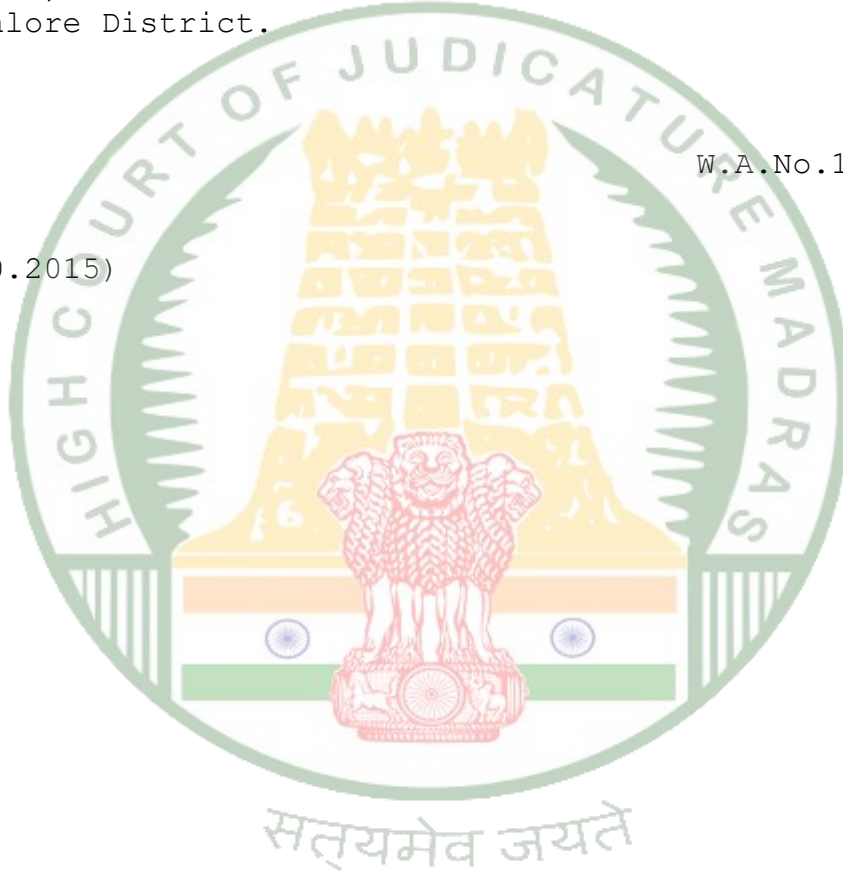
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To

- 1 The Special Deputy Collector (Stamps),
Cuddalore,
Cuddalore District.
- 2 The Sub Registrar,
Sub-Registrar's Office,
Panruti,
Cuddalore District.

W.A.No.1507 of 2015

GR(CO)
PSI (30.10.2015)



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