

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.9720 of 2014

M.Antony Gomaz

.. Petitioner

Vs.

1.The District Revenue Officer (Stamps)
Singaravelar Maligai, 5th Floor
32,Rajaji Street, Chennai 600 021.

2.The Sub Registrar
Walajabad Sub Registrar Office
Kancheepuram District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents to release the petitioner's original sale deed dated 26.04.2012, registered as Doc. No.4120 of 2012 on the file of the 2nd respondent forthwith by considering his representation dated 17.12.2012.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.M.L.Mahendran
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.N.Manokaran, learned Counsel appearing for the petitioner, and Mr.M.L.Mahendran, learned Government Advocate appearing for the respondents.

3.The petitioner seeks for issuance of a writ of mandamus to direct the respondents to release the petitioner's original sale deed dated 26.04.2012, registered as Doc. No.4120 of 2012 on the file of the second respondent forthwith by considering his representation dated 17.12.2012.

4.Since there was a doubt with regard to the market value of the property in question, the second respondent has referred the document to the first respondent as per the provisions contained under

section 47 A of the Indian Stamps Act. In this regard Form-I notice has been issued to the petitioner and the petitioner has also submitted his objections on 17.12.2012 and till date no order has been passed and the same is pending on the file of the first respondent. Hence, the petitioner has come forward with this Writ Petition for return of sale deed.

5.It is a settled legal position that the second respondent cannot retain the document merely on the ground that the valuation of the property has been doubted and the matter has been referred to the first respondent for ascertaining the correct value of the property.

6. In the light of the above, there will be a direction to the second respondent to release the documents, within a period of two weeks from the date of receipt of a copy of this order.

6.1 It is stated that the issue involved in the matter is pending before the first respondent for ascertaining the correct value of the property under section 47-A of the Indian Stamps Act. Since Form-I notice has already been issued as early as on 26.11.2012, it is appropriate that the first respondent has to finalise the matter expeditiously. Accordingly, the first respondent is directed to call the petitioner for enquiry, hear the petitioner and pass final orders within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/

Asst.Registrar

/true copy/

Sub Asst.Registrar

rpa

To

1.The District Revenue Officer (Stamps)
Singaravelar Maligai, 5th Floor
32, Rajaji Street, Chennai 600 021.

2.The Sub Registrar
Walajabad Sub Registrar Office
Kancheepuram District.

+1 CC to M/s. N.Manokaran, Advocate, SR.No.6571

W.P. No.9720 of 2014

RK (CO)
VS 26.02.2015