

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12167 of 2015

Kavinsandron @ Murugan

... Petitioner

Vs.

1.The Special Collector, (Stamps),
District Collector Office,
Vellore,
Vellore District.

2.The Sub-Registrar,
Sub-Registrar Office,
Chengam,
Tiruvannamalai District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent authorities to release the document bearing No.2954 of 2013 dated 10.06.2013 pending before the second respondent to the petitioner.

For Petitioner : Mr.G.Rajan

For Respondents : Mr.Digvijaya Pandian
Additional Government Pleader

सत्यमेव जयते
O R D E R

By consent the writ petition is taken up for final disposal.

2.Petitioner claims that he has purchased the properties comprised in Sry S.No.23/1A2 admeasuring an extent of 1.07.0 ares situated in Arattavadi village, Chengam Taluk and according to him, it is purely an agricultural land and is comprised in patta no.211. After registration of the sale deed, the first respondent has sent a communication dated 30.10.2013 stating that it is liable for additional stamp duty and initiated action under Section 47 of the Indian Stamps Act. The petitioner in this regard, has submitted a representation dated 25.06.2014 stating that it is purely agricultural land and therefore the question of payment of additional

stamp duty does not arise and prayed for release of the said document. Though it was acknowledged, he has not been favoured with any response, hence came forward to file this writ petition.

3.This Court heard the submissions of Mr.G.Rajan, learned counsel appearing for the petitioner, Mr.Digvijaya Pandian, learned Additional Government Pleader who accepts notice for the respondents.

4.It is well settled position of law that after registration, the registered document cannot be kept by the office of the Registrar which registered the document. If at all the concerned Officer wants to initiate action under the provisions of the Indian Stamps Act, it is always open to him to make an endorsement on the document itself and return the document. In the light of the settled legal position, this Court directs the first respondent to consider the petitioner's representation dated 25.06.2014, in accordance with law and pass orders as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order by taking into consideration, the observations made in this writ petition and communicate the decision to the petitioner. It is also made clear in the event of the orders are being passed handing over the document in question to the petitioner, the petitioner shall not create any third party rights till the disposal of the adjudication under Section 47 A of the Indian Stamps Act.

5.The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1.The Special Collector, (Stamps),
District Collector Office,
Vellore,
Vellore District.

2.The Sub-Registrar,
Sub-Registrar Office,
Chengam,
Tiruvannamalai District.

+1cc to M/s G.Rajan, Advocate Sr.22810
+1cc to The Government Pleader, Sr.22935

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EV (CO)
rvr
19/05/2015



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