

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.1261 & 1262 of 2015

R.Lakshmiammal

...Petitioner in both W.Ps

Vs.

- 1.The Special Deputy Collector (Stamps)
District Revenue Officer
V Floor, M.Singaravelar Maligai
32, Rajaji Salai,
Chennai 600 001.

...R1 in W.P.No.1261/2015

...R2 in W.P.No.1262/2015

2. Inspector General of Registration
Santhome High Road
Chennai 600 023.

...R1 in W.P.No.1262/2015

3. The Sub Registrar
Sembium SRO
Chennai.

...R2 in W.P.No.1261/2015

4. The Sub Registrar
Red Hills SRO,
Chennai.

...R2 in W.P.No.1262/2015

PRAYER in W.P.No.1261 of 2015: Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to return the sale deeds bearing Doc.Nos.1766 and 1767 of 2011 (P.Nos. 92 & 93 of 2010) on the file of the 2nd respondent.

PRAYER in W.P.No.1262 of 2015: Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Mandamus to direct the respondents to return the sale deeds bearing Doc.Nos.3577 & 3581 of 2011 on the file of the 3rd respondent.

For Petitioner : Mr.S.P.Sudalaiyandi
(in both Wps)

For Respondents : Mrs.P.Rajalakshmi
(in both Wps) Govt. Advocate

C O M M O N O R D E R

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

2.Heard Mr.S.P.Sudalaiyandi, learned Counsel appearing for the petitioner, Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondents.

3.The petitioner seeks for issuance of writ of mandamus to respondents to return the sale deeds bearing Doc.Nos.1766 and 1767 of 2011 (P.Nos. 92 & 93 of 2010) and Doc.Nos.3577 & 3581 of 2011 on the file of the Sub Registrar, Simbium and Red Hills respectively.

4.It is a settled legal position that merely because a reference is pending under section 47-A of the Indian Stamps Act, the Sub-Registrar concerned cannot refuse to return the documents. However, while returning the documents, necessary endorsement can be made stating that the return of documents shall be subject to orders to be passed under section 47-A.

5.In so far as Document Nos. 1766 and 1767 are concerned, though the petitioner was given an option to avail the 'Samadhan Scheme', she has not availed the same. Therefore, it is open to the Sub-Registrar, Sembium, to refer the matter to the Special Deputy Collector (Stamps), District Revenue Officer, Chennai.

6.In so far as Document Nos. 3577 and 3581 of 2011 are concerned, the matter is now pending before the Inspector General of Registration and an appeal has been filed by the petitioner. Therefore, the third respondent Sub Registrar, Red Hills SRO, is directed to return the document Nos. 3577 and 3581 of 2011 to the petitioner, by making necessary endorsement by stating that the return of documents shall be subject to orders to be passed under section 47-A of the Act, within a period of eight weeks from the date

of receipt of a copy of this order.

The Writ Petitions are disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

rpa

To

1. The Special Deputy Collector (Stamps)
District Revenue Officer
V Floor, M.Singaravelar Maligai
32, Rajaji Salai, Chennai 600 001.
2. Inspector General of Registration
Santhome High Road
Chennai 600 023.
3. The Sub Registrar
Sembium SRO
Chennai.
4. The Sub Registrar
Red Hills SRO
Chennai.

1CC to Mr.S.P.Sudalaiyandi, Advocate SR 7206

1CC to Government Pleader, SR 7295

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GJ [CO]
PSI 24.02.2015