

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.15471 of 2015

P.S.R.Sathyamurthy

.. Petitioner

Vs.

1.The Special Deputy Collector (Stamps),
Cuddalore,
Cuddalore District.

2.The Sub-Registrar,
Sub-Registrar's Office,
Panruti,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to return the original document No.1414 of 2012 to the petitioner.

For Petitioner : Mr.P.Kannan Kumar

For Respondents : Mr.S.Pattabiraman
Government Advocate

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that he has purchased a property in T.S.No.116 and Ward A, Block 17 in Panruti Municipality Limits at Panruti Town and the same was registered on 03.05.2012 before the Sub Registrar Office, Panruti, vide document No.1414 of 2012 and the second respondent has sent the same to the first respondent under Section 47A of the Indian Stamps Act. The grievance expressed by the petitioner is that though the document has been registered, it has not been returned and he has approached the second respondent very many times and since he has not been favoured with any response, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the order dated 10.09.2013 made in W.P.No.20971 of 2013 and would submit that this Court, in the above said order, by following the earlier orders has issued certain

directions and in the light of the same, the second respondent is bound to return the document after making necessary endorsement and prays for similar relief.

4. Heard the submissions of Mr.S.Pattabiraman, learned Government Advocate appearing for the respondents and also perused the materials available on record.

5. This Court, in para 5 of the order dated 10.09.2013 made in W.P.No.20971 of 2013, issued the following directions:

"5. Accordingly, by following the earlier orders passed by this Court, the following directions are issued:

"i) the second respondent is directed to return the document registered by him as Document No.1383/2003 to the petitioner with an endorsement on the instrument to the effect that the proceedings under Section 47-A of the Act are pending, and the second respondent shall return the document to the petitioner within a period of four weeks from the date of receipt of a copy of this order;

ii) the second respondent shall make necessary entries in the Registers maintained by him to show that the property governed under the said document is subject to the proceedings under Section 47-A of the Act, so as to be indicated in the encumbrance certificate for the notice of the purchasers;

iii) after the proceedings under Section 47-A of the Act are completed, including the appeals which are contemplated under the Rules, within the prescribed time under law, if the petitioner pays the deficit stamp duty and presents the original document before the second respondent/registering authority, the second respondent shall make an endorsement making it clear that the proceedings under Section 47-A of the Act are completed and in that event, the second respondent shall also make necessary entries in the Registers, so as to expose the same in the encumbrance certificate; and

iv) the stamp duty now assessed will be a charge on the property. It is also made clear that the property shall not be alienated till the disposal of statutory proceedings relating to under-valuation.

6. In the light of the above, this Writ Petition is disposed of with a direction to the second respondent to take into consideration the directions passed in the above cited order and pass orders in accordance with law for return of the document in question to the petitioner, within a period of two weeks from the

date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

jvm

To

1.The Special Deputy Collector (Stamps),
Cuddalore,
Cuddalore District.

2.The Sub-Registrar,
Sub-Registrar's Office,
Panruti,
Cuddalore District.

1 cc to Government Advocate.Sr.No.29531

1 cc to Mr.P.Kannan Kumar , Advocate Sr.No.30005

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