

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19-03-2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.No.13813 of 2014
and M.P.No.1 of 2014

V.Murugesan

.. Petitioner

Vs

1. The Inspector General of Registration,
Santhome High Road, Chennai.

2. The Sub Registrar,
Madavaram, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of writ of Mandamus to direct the 2nd respondent to release the sale deed in Document No.5750 of 2013 dated 17.10.2013 on the file of the 2nd respondent.

For petitioner :: Mr.M.V.Muralidharan
For respondents :: Mr.S.Gunasekaran, GA

ORDER

The prayer sought for in this writ petition is to direct the second respondent to release the sale deed in Document No.5750 of 2013 dated 17-10-2013 on the file of the 2nd respondent.

2. It is seen that the second respondent entertained a doubt about the correctness of the valuation and therefore, he has referred the matter under Section 47-A(1) of the Indian Stamp Act for adjudication afresh. However, in the meantime, the second respondent has no jurisdiction to retain the same.

3. Hence, the writ petition is disposed of with the following directions:

"i. The second respondent shall return the document registered as 5750 of 2013 dated 17-10-2013 with an endorsement on the said document to the effect that a reference under Section 47-A (1) of the Indian Stamp Act is pending;

ii. The factum of pendency of the reference under Section 47-A(1) of the said Act in respect of the said document shall be entered into in the encumbrance register also so as to protect the interests of the purchasers for knowledge;

iii. Pending the final order to be passed under Section 47A(1) of the said Act, there shall be a charge over the property in favour of the Government as per Section 47A(4) of the said Act;

iv. After adjudication proceedings are completed including appeal, for which the petitioner is entitled to under the provisions of the Indian Stamp Act and after payment of the amount towards stamp duty ultimately arrived at, necessary endorsement shall be made both in the document concerned as well as encumbrance register that the proceedings under Section 47-A of the said Act have been terminated; and

iv. The respondents are directed to release the document in question after complying with the above directions."

No costs. Consequently, the above MP is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Inspector General of Registration,
Santhome High Road, Chennai.

2. The Sub Registrar,
Madavaram, Chennai.

+1 cc to Government Pleader, SR.15870

+1 cc to Mr.M.V.Muralidaran, Advocate, SR.15986.

msm(co)
krd 31/3

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सत्यमेव जयते

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