IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17431 of 2015

R.Muniyandi @ Chandran ... Petitioner

Vs.

1. The District Revenue Officer (Stamps),
 5th Floor, Singaravelar Maaligai,
 No.32, Rajaji Salai,
 Chennai - 600 001,

2. The Sub-Registrar,
 Redhills, SRO,
 Chennai. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents herein to return the sale deed bearing document No.6030 of 2014 on the file of the second respondent, now pending before the first respondent.

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.RM.Muthukumar,Govt.Advocate

ORDER

By consent of the learned counsel appearing on either side, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner claims to be bonafide purchaser of the land in Survey No.33/4 situated at Padiya Nallur village, Ponneri Taluk, Thiruvallur District and he has presented the sale deed in connection with the said property for registration and the same was registered as document No.6030 of 2015 on the file of SRO, Redhills i.e., the second respondent.

3. The grievance expressed by the petitioner is that inspite of registration of the sale deed, it has not been returned to the petitioner. Hence, the petitioner came forward with the present writ petition.

4. Learned counsel appearing for the petitioner would submit that once the sale deed is registered, the registering authority is bound to return the same. Learned counsel has also placed reliance on a judgment reported in 2002 (3) CTC 544 (B.Rajappa and another Vs. The Special Deputy Collector (Stamps) and others).

5. Heard the submission of Mr.RM.Muthukumar, learned Government Advocate, who accepts notice for respondents

6. The above said judgment was considered by this Court in W.P.No.23606 of 2010 vide Order dated 8.11.2010 and the Court has ordered return of the document subject to certain conditions, which read as under:

> i) It is open to the Registering Authority to affix a seal, while releasing the original deed or conveyance or any other document indicating that a reference is pending under Section 47-A with respect to under valuation and assessment of Stamp Duty payable, and as and when the proceedings reach finality, the same shall be intimated to the person who is liable to pay stamp duty demanding payment of deficit Stamp Duty payable on the instrument.
>
> ii) The Registrar to make corresponding entries under Sections 54, 55 of the Registration Act, 1908, in the Register of indexes as to the pendency of proceedings under Section 47-A.
>
> iii) On completion of adjudication as to the under-valuation by the competent authority as well as appeal or revision, if any, thereof, and depending upon the ultimate decision, the said authorities to recover the deficit stamp duty according to law.
>
> iv) Till such proceedings reach finality and deficit is paid, there will be a charge for the deficit stamp duty, which is the subject matter of transfer or conveyance.
>
> v) On payment of deficit stamp duty, if any payable, the Registrar may once again, on production of the original deed of transfer, make appropriate entry and recording the additional stamp duty paid and release of charge and also make consequential entries in the registers/indexes maintained under Sections 54, 55, etc., of the Registration Act.
>
> vi) The petitioner shall co-operate in the adjudication proceedings pending under Section 47-A of the Indian Stamp Act before the authority concerned.

7. Therefore, this writ petition is disposed of directing the second respondent to return the document No.6030 of 2014 on the file of Sub-Registrar, Redhills, SRO, Chennai in terms of the above said

directions issued in W.P.No.23606 of 2010 within a period of four weeks from the date of receipt of copy of this order. However, there is no order as to costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The District Revenue Officer (Stamps),
   5th Floor, Singaravelar Maaligai,
   No.32, Rajaji Salai,
   Chennai - 600 001,

2. The Sub-Registrar,
   Redhills, SRO,
   Chennai.

1 cc to Mr.S.P.Sudalaiyandi, Advocate, Sr. 30230
1 cc to Government Pleader, Sr. 30080

W.P.No.17431 of 2015

LRS (CO)
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