IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-07-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.21701 of 2015

R.Lakshmiammal ... Petitioner

vs

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

2. The Sub Registrar
   Sembium SRO
   Chennai ... Respondents

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 sale deeds bearing Doc.Nos.1766 and 1767 of 2011 (P.Nos.92 & 93 of 2010) on the file of the second respondent (now pending before the second respondent).

For Petitioner : Mr.S.P.Sudalaiyandi

For Respondents : Mr.M.Digvijaya Pandian
Additional Government Pleader

ORDER

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

2.The petitioner claims to have purchased a landed property comprised in Survey Nos.612 and 572/2, situated at Madhavaram Village and Taluk, Tiruvallur District, through two sale deeds dated 31.3.2010, registered as Document Nos.1766 and 1767 of 2011 by the second respondent. The petitioner would state that she was issued with a communication dated 29.9.2010, by the second respondent requiring certain clarifications for the purpose of determining the correct market value of the property, and the petitioner also furnished the required particulars vide reply dated 15.10.2010.

3.The grievance now expressed by the petitioner, is that though the said two sale deeds were registered as Document Nos.1766 and 1767 of 2011, they have not yet been returned and hence, she came forward to file this writ petition.

4.The learned Counsel appearing for the petitioner, would submit that once the documents are registered, the second respondent is bound to return the same by making necessary endorsement and would further submit that the matter in issue, is squarely covered by the judgment of this Court reported in 2002 (3) CTC 544 (B.RAJAPPA AND ANOTHER V. THE SPECIAL DEPUTY COLLECTOR (STAMPS) AND OTHERS), and prays for appropriate orders.

5.The Court heard the submissions of Mr.M.Digvijaya Pandian, learned Additional Government Pleader, who accepted notice on behalf of the respondents, also.

6.The above cited judgment was subsequently considered by this Court in it's order dated 8.11.2010, made in W.P.No.23606 of 2010, and it is relevant to extract the following portions of the said judgment:-

> "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.In the result, the writ petition is disposed of and the second respondent is directed to return the documents bearing Nos.1766 and 1767 of 2011 (P.Nos.92 and 93 of 2010), in terms of the above said directions, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsv

To:

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

2. The Sub Registrar
   Sembium SRO
   Chennai

+1cc to Mr.S.P.Sudalaiyandi, Advocate, S.R.No.37037
+1cc to the Government Pleader, S.R.No.37011

W.P.No.21701 of 2015

EV(CO)
CA(06/08/2015)