

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.Nos.16901 to 16913 of 2014

1.A.Saranya	..Petitioner in W.P.No.16901 of 2014
2.S.Arun	.. Petitioner in W.P.No.16902 of 2014
3.M.Parvathi	.. Petitioner in W.P.No.16903 of 2014
4.R.Banumathi	.. Petitioner in W.P.No.16904 of 2014
5.S.Meera	.. Petitioner in W.P.No.16905 of 2014
6.M.Ramya	.. Petitioner in W.P.No.16906 of 2014
7.A.Santha	.. Petitioner in W.P.No.16907 of 2014
8.T.Chitra	.. Petitioner in W.P.No.16908 of 2014
9.R.Narayanan	.. Petitioner in W.P.No.16909 of 2014
10.V.Deivasigamani	.. Petitioner in W.P.No.16910 of 2014
11.R.Sakthivel	.. Petitioner in W.P.No.16911 of 2014
12.R.Thiagarajan	.. Petitioner in W.P.No.16912 of 2014
13.P.Thirupura Sundari	.. Petitioner in W.P.No.16913 of 2014

vs

1. The Inspector General of Registration
Santhome High Road
Chennai 600 004.
2. The Deputy Inspector General of
Registration, Cuddalore.
3. The District Registrar
Chidambaram.
4. The Special Tahsildar
Chidambaram at Cuddalore.
5. The Sub Registrar
Chidambaram .. Respondents in all WPs

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the fifth respondent to release the petitioner the original and duplicate of the sale deed dated 27.09.2012, 27.09.2012, 3.10.2015, 4.10.2012, 4.10.2012, 5.10.2012, 20.11.2013, 20.11.2013, 20.11.2012, 20.11.2012, 20.11.2012, 20.11.2012 and 20.11.2012 bearing Document No.5157, 5158,

5271, 5300, 5301, 5317, 4916, 4915, 4920, 4921, 4922, 4923 and 4924 of 2012 respectively on the file of the second respondent with an endorsement indicating that a reference is pending under Section 47-A of the Indian Stamp Act.

For Petitioner : Mr.R.C.Paul Kanagaraj
in all W.Ps.

For Respondents : Mr.S.Gunasekaran
in all W.Ps. Government Advocate

COMMON ORDER

In all these writ petitions, the petitioners are all purchasers of housing plots in the lay out promoted in Abbai Garden Phase-I of Palloontragarai Village, Lalpura Panchayat. According to the petitioners, the third respondent has approved the land value at Rs.60/- per sq.ft vide proceedings dated Na.Ka.No.5241/A4/2012 dated 15.10.2012. Subsequently, the third respondent has stated that the land value is Rs.200/- per sq.ft., in Abbai Garden, Phase I, II and III. This according to the petitioners, is erroneous and the increased guideline value fixed by the third respondent is untenable.

2. It is seen that the documents, which are presented for registration by the petitioners have been accepted for registration and the documents have also been registered vide document Nos.5157/2012, 5158/2012, 5271/2012, 5300/2012, 5301/2012, 5317/2012, 4916/2012, 4915/2012, 4920/2012, 4921/2012, 4922/2012, 4923/2012 and 4924 of 2012 respectively; but the fifth respondent has not returned the documents so far to the petitioners. It is further seen that notice under Form I also has been issued to the petitioners between October 2013 and November 2013 and the petitioners also have submitted their objections to the said notice. The petitioners are also relying upon the fixation done by the District Registrar in respect of the lands in Abbai Garden, Phase I by proceedings dated 30.10.2013 and the matter is now pending enquiry before the fourth respondent.

3. According to the petitioners, the respondents are not justified in retaining the documents without being returned merely on the ground that reference is pending under Section 47-A of the Indian Stamp Act, in the light of the decision of this Court reported in 2008(3) CTC 614 [Tata Coffee Limited, Bangalore vs. The State of Tamil Nadu by the Secretary to Government, Commercial Taxes & Registration, Government of Tamil Nadu, Fort St.George, Chennai-9 and three others], wherein this Court that in identical circumstances has directed the authorities to release the documents, without prejudice to the proceedings, which is initiated under Section 47A of the Act, subject to making necessary endorsement in the said document.

4. Following the aforesaid decision, all these writ petitions are disposed of, directing the respondents 4 and 5 to release the documents pertaining to the petitioners registered in Document Nos. Nos.5157/2012, 5158/2012, 5271/2012, 5300/2012, 5301/2012, 5317/2012, 4916/2012, 4915/2012, 4920/2012, 4921/2012, 4922/2012, 4923/2012 and 4924 of 2012 respectively by making an endorsement in the form of affixing seal indicating that reference under Section 47-A with respect to under valuation and assessment of stamp duty payable is pending before the fourth respondent and thereafter issue notice to the petitioners to participate in the enquiry and pass a reasoned order on merits and in accordance with law after following the due process of law under the Indian Stamp Act. It is made clear that the documents shall be returned to the petitioners with necessary endorsement as directed above. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration
Santhome High Road
Chennai 600 004.
2. The Deputy Inspector General of
Registration, Cuddalore.
3. The District Registrar
Chidambaram.
4. The Special Tahsildar
Chidambaram at Cuddalore.
5. The Sub Registrar
Chidambaram.

1 cc to Government Pleader, Sr.No4101

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pmk.25.2.2015