

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

Coram:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No. 2808 of 2015

M.Jayalakshmi

.. Petitioner

Vs

1. The Inspector General of Registration,
Santhome, Chennai - 600 004

2. The District Revenue Officer (Stamps)
Singaravelan Maligai, Rajaji Salai,
Chennai - 600 001

3. The Sub Registrar
o/o Sub Registrar
Red Hills, Chennai

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to accept the stamp duty paid by the petitioner on the settlement deed dated 31.03.2005 registered as Doc.No.1721/2005 on the file of the 3rd respondent and return the document to the petitioner.

For Petitioner : Mr.S.Udhayakumar

For Respondents: Mr.V.Jayaprakash Narayanan
Special Government Pleader

सत्यमेव जयते
O R D E R

Heard Mr.S.Udhayakumar, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents. With the consent of either side, the Writ Petition itself is taken up for final disposal at the admission stage.

2.The petitioner seeks for a direction upon the respondents to accept the stamp duty paid by the petitioner on the settlement deed dated 31.03.2005 registered as Doc.No.1721/2005 on the file of the 3rd respondent and return the document to the petitioner.

3. The grievance of the petitioner is that though the settlement deed dated 31.03.2005 has been registered on the file of the 3rd respondent as document no.1721/2005, till date, the document is not released. The petitioner submitted a representation followed by a legal notice and inspite of that, no action has been taken.

4. According to the petitioner, the document has been referred under Section 47(A) of the Indian Stamp Act to ascertain the correct value of the property. Even if it is so, the 3rd respondent has no jurisdiction to retain the document. All that the 3rd respondent can do is to release the document by affixing the seal containing endorsement that the document is returned subject to proceedings initiated under Section 47(A) of the Indian Stamp Act.

5. In the light of the above, the 3rd respondent is directed to release the document in question with an endorsement that proceedings under Section 47(A) of the Indian Stamp Act is pending and the same has not been disposed of till date and the 2nd respondent shall dispose of the same after affording opportunity of personal hearing to the petitioner. The document shall be released within a period of two weeks from the date of receipt of copy of the order and thereafter the 2nd respondent shall finalise the proceeding within a period of eight weeks, if not already finalised.

With the above observation, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Inspector General of Registration,
Santhome, Chennai - 600 004
2. The District Revenue Officer (Stamps)
Singaravelan Maligai, Rajaji Salai,
Chennai - 600 001
3. The Sub Registrar
o/o Sub Registrar
Red Hills, Chennai

+ 1 cc to the Government Pleader Sr.6982

+ 1 cc to Mr.S. Udhayakumar, Advocate Sr.6698

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KK(CO)

Eu 20.02.15