

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.31155 of 2015

M.Arumugam

... Petitioner

Vs.

1. The Sub-Registrar,
Joint-I Chengalpet Sub-Registry,
Chengalpet,
 2. The District Revenue Officer (Stamps),
Collectorate,
5th Floor, Singaravelar Maaligai,
Chennai-1.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the 1st respondent to return the original sale deed document No.2358 of 2015 (P.No.0044 of 2015) within reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents: Mr.R.A.S.Senthilvel,
Addl.Govt.Pleader

O R D E R

The issue involved in this writ petition is no longer res integra. The document of the petitioner is registered as Document No.2358 of 2015 with the 1st respondent and the same has been referred under Section 47A(1) of the Stamp Act and for that reason the same has not been released.

2. Considering the similar issue, this Court placing reliance upon earlier orders has held in W.P.No.32455 of 2013 by order dated 9.1.2014 in following manner:

''7. Accordingly, the respondent is directed to return the sale deed registered as Document No.2044 of 2013, within a period of two weeks from the date of receipt of a copy of this order, subject to the following conditions:

"i) The Registering Authority while releasing the documents, shall make necessary endorsement on the original document to the effect that the proceedings under section 47-A of the Act are pending.

ii) The Registering Authority shall make necessary entries in the register maintained regarding the pendency of 47-A proceedings in respect of the documents subject matter of the registration so as to reflect the same in the Encumbrance Certificate for the benefit of the purchasers.

iii) Pending final decision in respect of the valuation under section 47-A(i), as per Section 47-A (4), there shall be a charge over the properties in favour of the Government in respect of the unpaid value of the stamp duty.

iv) After the entire proceedings under section 47-A are completed, on production of the original documents by the petitioner, the Registering Authority shall make necessary endorsement removing the earlier endorsement clearly stating that the entire amount of stamp duty under the documents have been paid in full and return the same.

v) After such endorsement, the Registering Authority shall make necessary entry of the completion of 47-A proceedings in the register maintained by them so as to reflect the same in the Encumbrance Certificate."

Further, the respondent is at liberty to finalise the proceedings initiated under section 47 A of the said Act, as expeditiously as possible.

The Writ Petition is ordered accordingly. No costs.

3. Therefore, this writ petition stands disposed of on the very same terms. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

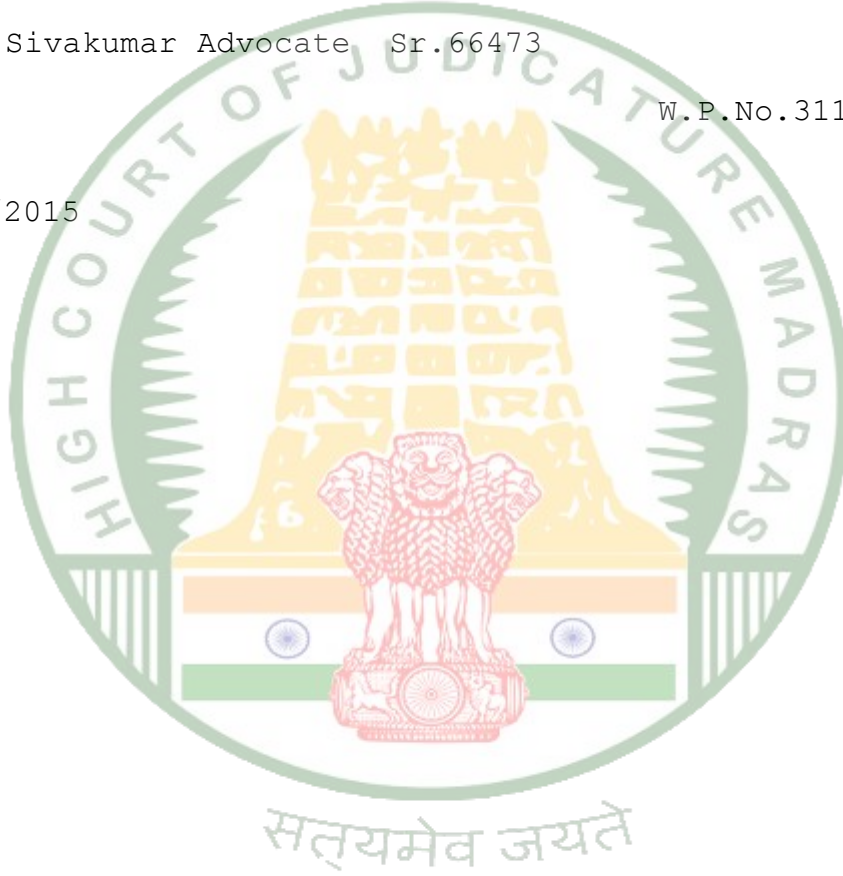
To

1. The Sub-Registrar,
Joint-I Chengalpet Sub-Registry,
Chengalpet,
2. The District Revenue Officer (Stamps),
Collectorate,
5th Floor, Singaravelar Maaligai,
Chennai-1.

+1cc to S.Sivakumar Advocate Sr.66473

W.P.No.31155 of 2015

vs[co]
srg 14/12/2015



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