

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2015

Coram:

The Honourable MR.JUSTICE T.S.SIVAGNANAM

W.P.No.3220 of 2015

Rajmohan Natarajan
rep by his power of Attorney
Tmt. T.V. Indumathi [Petitioner]

Vs

Sub-Registrar
Office of the Sub-Registrar Vellore. [Respondent]

Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to release the document of Sale Deed dated 2.8.2013 No.201309399 to the petitioner.

For Petitioner : Mr.M.Rajamathivanan

For Respondent : Mr.M.L.Mahendran, GA

O R D E R

Heard Mr.M.Rajamathivanan, learned counsel for the petitioner and Mr.M.L.Mahendran, learned Government Advocate for the respondent.

2. The petitioner seeks for a direction to the respondent to release him the document of Sale Deed dated 2.8.2013.

3. The petitioner is the Power of Attorney of the purchaser. He purchased the property vide sale deed dated 25.01.2010. Since the sale deed is yet to be returned, the petitioner is before this Court.

4. It is seen that the sale deed has been accepted for registration and kept as pending document dated 02.08.2013. It is not known as to whether the respondent has initiated proceedings under Section 47-A of the Indian Stamps act. If already proceedings have been initiated, then subject to the result of the said proceedings, the document should be returned. However, if no proceedings have been initiated till date, it is always open to the respondent to refer the document to the Deputy Collector of Stamps to ascertain the market value of the property. But, even

if such reference is made, there is no justification in retaining the document.

5. Accordingly, there will be direction to the respondent to return the sale deed dated 02.08.2013 after registration with an endorsement stating that return of the sale deed is subject to the proceedings initiated or to be initiated under Section 47-A of the Indian Stamp Act. The respondent is directed to comply with such direction within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

Sub-Registrar
Office of the Sub-Registrar Vellore.

1 cc to Government Pleader, Sr. 7311
1 cc to Mr.R. Poornima, Advocate, Sr. 7022

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