

In the High Court of Judicature at Madras

Dated : 23.03.2015

CORAM :

The Honourable Mr.Justice .T.S.SIVAGNANAM

WP.No.8051/2015

B.Manoharan

...Petitioner

Vs

The Sub Registrar,
Arakkonam Joint-II, Arakkonam
Vellore District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent authority to release the original sale deed dated 20.05.2014 registered as Document No.3320/2014 in the office of the Sub Registrar, Arakkonam Joint-II, in respect of the land measuring Ac.01-85 cents comprised in Survey No.68/5, Thakkolam village, Arakkonam Taluk, Vellore District to the petitioner within a time to be stipulated by this Court pending disposal of the proceedings u/s.47-A[i] of the Indian Stamp Act.

For Petitioner : Mr.A.V.Raja

For Respondent : Mr.R.A.S.Senthilvel, AGP

O R D E R

Heard the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader accepting notice for the respondent and with their consent, the writ petition itself is taken up for final disposal at the admission state itself.

2.It is seen that the respondent entertained a doubt about the correctness of the valuation and therefore, he has initiated proceedings under Section 47-A(1) of the Indian Stamp Act. It is also seen that the Adjudicating Authority, namely the respondent has also issued a notice on 29.10.2014 to the petitioner directing the petitioner to appear in person for enquiry along

with the relevant documents. Though the petitioner appeared in person on the said date and produced all the relevant records and documents, till date the respondent has not released the original sale deed. Therefore, the petitioner is before this Court, by filing the present writ petition with the aforesaid prayer.

3.Hence, the writ petition is disposed of with the following directions :

"i. The respondent shall return the document registered as Doc.No.3320/2014 dated 20.05.2014 with an endorsement on the said document to the effect that a reference under Section 47-A(1) of the Indian Stamp Act is pending;

ii. The factum of pendency of the reference under Section 47-A(1) of the said Act in respect of the said document shall be entered into in the encumbrance register also so as to protect the interests of the purchasers for knowledge;

iii. Pending the final order to be passed under Section 47A(1) of the said Act, there shall be a charge over the property in favour of the Government as per Section 47A(4) of the said Act;

iv. After adjudication proceedings are completed including appeal, for which the petitioner is entitled to under the provisions of the Indian Stamp Act and after payment of the amount towards stamp duty ultimately arrived at, necessary endorsement shall be made both in the document concerned as well as encumbrance register that the proceedings under Section 47-A of the said Act have been terminated; and

iv. The respondent is directed to release the document in question after complying with the above directions."

No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

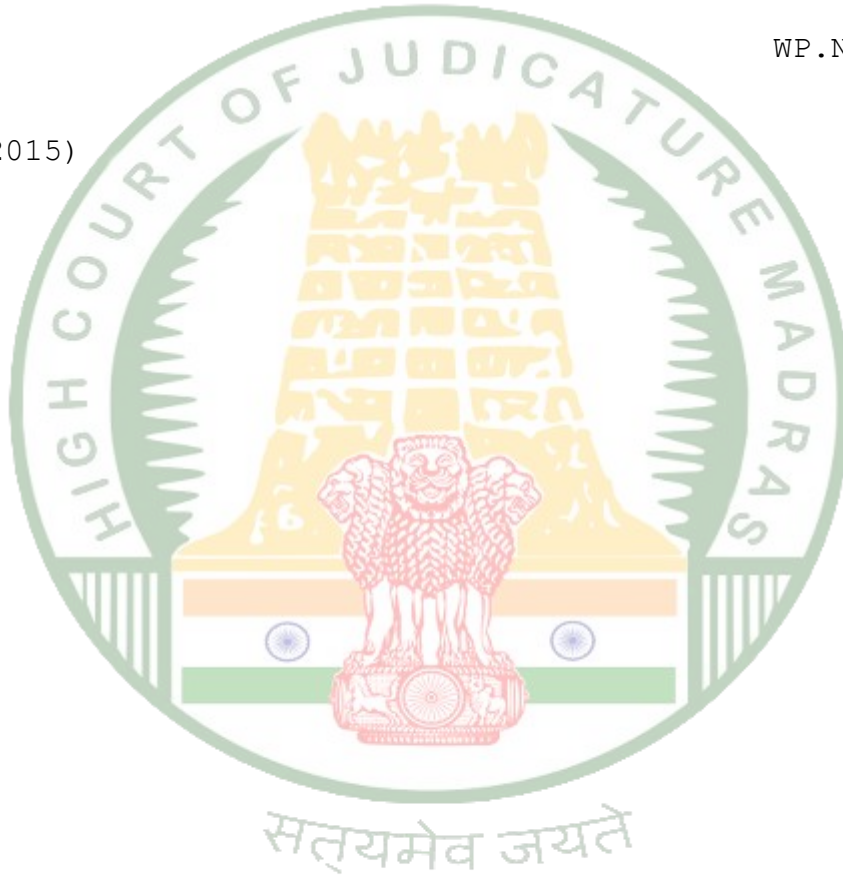
To

The Sub Registrar,
Arakkonam Joint-II, Arakkonam
Vellore District.

+lcc to Mr.A.V.Raja, Advocate, S.R.No.16162
+lcc to the Government Pleader, S.R.No.16330

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