

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2015

CORAM

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.9394 of 2015

M.Antony Gomez

... Petitioner

Vs

1. The District Revenue Officer
(Stamps) Singaravelar Maligai 5th Floor
32 Rajaji Street Chennai 21
2. The Sub Registrar II
Chengelpet Sub Registrar Office
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to release the petitioner's original sale deed dated 3.5.2013 registered as Doc. No. 5160 of 2013 on the file of the 2nd respondent.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.R.Vijayakumar, AGP

O R D E R

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

2. This writ petition has been filed to direct the respondents to release the petitioner's original sale deed dated 3.5.2013 on the file of the second respondent.

3. When the matter is taken up for hearing, it is submitted by the learned counsel on either side that the issue involved in this writ petition is covered by the decision of this Court dated 28.01.2015 made in W.P.No.33781 of 2014.

4. In the said order dated 28.01.2015 made in W.P.No. 33781 of 2014, the learned Judge has elaborately dealt with the issue and arrived at the conclusion and the operative portion of the said order reads as follows:-

"6.The settled legal position is that if the 2nd respondent entertains a doubt as regards whether the true market value of the property has been correctly set out in the instrument, then he is entitled to proceed in accordance with the provisions of section 47-A of the Indian Stamp Duty. But, that does not empower the Sub Registrar to retain the document after the completion of the registration process. This Court in a long line of decisions has affirmed the above legal position. However, with a view to safeguard the revenue, has directed the Sub Registrar concerned to return the documents with appropriate endorsement stating that the document is returned subject to and without prejudice to the proceedings that may be initiated or already initiated for under valuation u/s.47-A of the Stamp Act.

7. In the light of the above, there will be a direction to the 2nd respondent to release document in question with appropriate endorsement by way of affixing a seal stating that the release of the document is subject to the proceedings that may be initiated u/s.47-A of the Indian Stamp Act or if already initiated, the same will be subject to the final orders to be passed. The above direction shall be complied within a period of eight weeks from the date of receipt of a copy of this order".

5. Following the above decision of this court the writ petition is disposed of in the same lines. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

smi

To

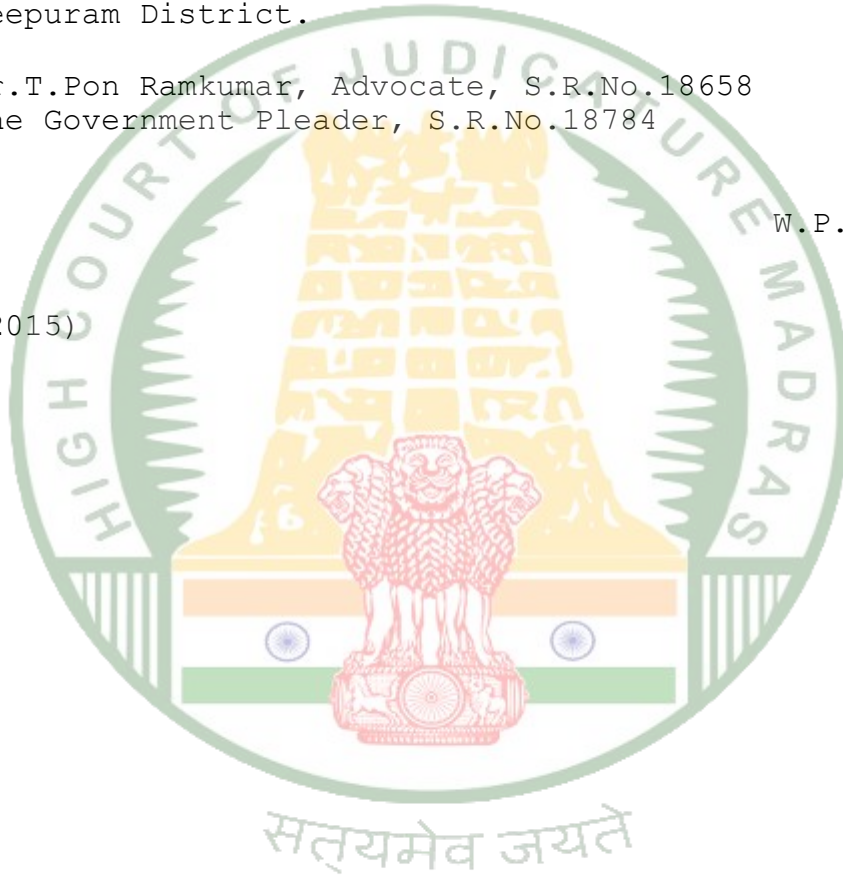
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2. The Sub Registrar II
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Kancheepuram District.

+1cc to Mr.T.Pon Ramkumar, Advocate, S.R.No.18658
+1cc to the Government Pleader, S.R.No.18784

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VD(CO)
CA(20/04/2015)



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