

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2015

CORAM

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

W.P.No.41136 of 2002

V.C.Ravichandran

.. Petitioner

Vs.

1.Sub Registrar,
Sub-Registrar Office,
Sankagiri, Salem District.

2.The District Collector,
Salem-636 001.

3.The Special Tahsildar(Stamps),
Sankari & Mettur Division,
Sankari, Salem District.
(R3 impleaded as per order dt.06.09.2007
by SRJ in WPMP.36294 of 2005 in
Writ Petition.41136/2002)

... Respondents

Prayer: Petition is filed under Article 226 of The Constitution of India praying to issue a writ of mandamus to direct the respondents to return the sale deed dated 07.09.2000 which was registered as document No.357/2001 on 2.4.2001 by the first respondent forthwith.

For Petitioner .. P.Jagadeesan

For respondents .. Mr.P.Sanjay Gandhi,
Addl. Government pleader

ORDER

Seeking a direction to the respondents to return the sale deed dated 07.09.2000 registered as document No.357/2001 on 2.4.2001 by the first respondent, the present writ petition has been filed.

2. There is a subsequent development to this case. The order passed under Section 47-A of the Indian Stamp Act has been challenged by way of an appeal before the Inspector General of Registration and the same is still pending. Now the

petitioner seeks release of the said document. The said issue is covered by the judgment of this Court in B.RAJAPPA AND ANOTHER V. THE SPECIAL DEPUTY COLLECTOR (STAMPS), THE OFFICE OF THE COLLECTORATE (V FLOOR) MADRAS-1 AND TWO OTHERS ((2002) 3 CTC 544).

3. On a similar issue, taking note of the other judgments of this Court, in W.P.No.516 of 2011 dated 26.04.2011, it has been held by this Court as follows:

"(i) The registering authority shall release the document to the petitioner with an endorsement in the form of affixing seal indicating that reference under Section 47-A with respect to undervaluation and assessment of stamp duty payable is pending.

(ii) The registering authority shall simultaneously enter the same in the book maintained by him especially in respect of encumbrance certificate relating to the said property in the interest of the purchaser.

(iii) After completion of the entire proceedings under Section 47-A including an appeal if any by the parties concerned on payment of the entire stamp duty as finally ascertained by the authority, the registering authority shall remove the seal stated above indicating section 47-A have been concluded.

(iv) The registering authority shall also make necessary entry in the book relating to encumbrance certificate that no proceeding under Section 47-A is pending.

(v) As per the Stamp Act, pending completion of the entire proceedings under Section 47-A, there shall be a charge in favour of the Government against the property concerned regarding the stamp duty payable.

The document shall be released to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed."

4. following the said judgment, the writ petition stands disposed of on same terms. The document will have to be released to the petitioner within a period of four weeks from the date of receipt of a copy of this order. This order is passed without prejudice to the contention of the petitioner in the pending appeal before the Inspector General of Registration. Further, it is hereby clarified that in so far as the condition regarding endorsement is concerned, such an endorsement will

have to be made making reference to the said appeal proceedings. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

raa

To

1.The Sub Registrar,
Sub-Registrar Office,
Sankagiri, Salem District.

2.The District Collector,
Salem-636 001.

3.The Special Tahsildar(sTamps),
Sankari & Mettur Division,
Sankari, Salem District.

+1 cc to Government Pleader sr.57533

+1 cc to Mr.P.Jagadeesan Advocate sr.56912

W.P.No.41136 of 2002

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