BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.**08.2015**

Coram

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD)No.2848 of 2015
and
M.P.(MD)No.1 of 2015

A.T.Maideen :Petitioner

vs.

1.The District Revenue Officer (Stamps)
Office of the Collectorate,
Virudhunagar.

2.The Sub-Registrar,
Perunazhi
Ramanathapuram District. : Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to release the petitioner Sale deed dated 14.08.2014, registered as Doc.No.805/2014, on the file of the Sub-Registrar, Perunazhi, Ramanathapuram District, to the petitioner.

For Petitioner :Mr.M.Natarajan
For M/s.Ajmal Associates

For Respondents :Mr.K.Mahesh Raja
Govt. Advocate

ORDER

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner Sale deed dated 14.08.2014, registered as Doc.No.805/2014, on the file of the Sub-Registrar, Perunazhi, Ramanathapuram District, to the petitioner.

2. The only ground on which the present Writ Petition has been filed is that pending 47-A proceedings, the respondents have retained the petitioner's sale deed, dated 14.08.2014. Hence, the petitioner has come forward with the present writ petition.

3. The learned Government Advocate was put on notice on the above said aspects.

4. In similar set of facts, in W.P.No.30055 of 2008, dated 06.04.2010, this Court, directed the respondents therein, to release the document by imposing certain conditions, which reads as follows:-

"1. It is open to the Registering Authority to affix a seal, while releasing the original deed or conveyance or any other document indicating that a reference is pending under Section 47-A with respect to under-valuation and assessment of stamp duty payable, as and when the proceedings reach finality, the same shall be intimated to the person who is liable to pay stamp duty demanding payment of deficit stamp duty payable on the instrument.

2. The Registrar to make corresponding entries under Sections 54, 55 of the Registration Act, 1908, in the Register of indexes as to the pendency of proceedings under Section 47-A.

3. On completion of adjudication as to the under-valuation by the competent authority as well as appeal or revision, if any, thereof, and depending upon the ultimate decision, the said authorities to recover deficit stamp duty according to law.

4. Till such proceeding reaches finality and deficit is paid, there will be a charge for the deficit stamp duty which is the subject matter of transfer or conveyance.

5.On payment of deficit stamp duty, if any payable, the Registrar may once again, on production of the original deed or transfer, make appropriate entry and recording the additional stamp duty paid and release of charge and also make consequential entries in the registers / indexes maintained under Sections 54, 55 etc., of the Registration Act."

5. Considering the above facts and circumstances, and following the above said Judgment of this Court made in W.P.No.30055 of 2008, dated 06.04.2010, the Writ Petition is allowed and the respondents are directed to release the Sale deed dated 14.08.2014, registered as Doc.No.805/2014, to the petitioner, within a period of two weeks from the date of receipt of a copy of this order, subject to the above said conditions. No costs. Consequently, connected miscellaneous petition is closed.

sd/-
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

MPK
To

1.The District Revenue Officer (Stamps)
Office of the Collectorate, Virudhunagar.
2.The Sub-Registrar, Perunazhi, Ramanathapuram District.

+one cc to M/s.Ajmal Associates, SR.No.47899/15

W.P.(MD)No.2848 of 2014
19.08.2015

csl/JGB-DP/SAR J/08.09.2015
2P/4C