



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :04.06.2015
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.(MD).No.8198 of 2015

WEB COPY

S.Natchammai

... Petitioner

Vs

1.The Deputy Collector (Stamps),
Sivagangai District, Sivagangai.

2.The Joint-2 Sub Registrar,
Office of Joint-2 Sub Registrar,
Karaikudi, Sivagangai District.

... Respondents

This Writ Petition has been filed praying for a writ of Mandamus directing the second respondent to release the petitioner's sale deed vide Document No:20150413 that pertains to the house site plot No.97 as comprised in T.S.No.429/11, situated at Kannadasan Nagar, Kurichivayal Village, Survey Block:14 and Survey ward No.3 of Karaikudi Municipal Town within the time stipulated by this Court.

For petitioners : Mr.S.Balamurugan
For respondents : Mr.M.Murugan
Govt.Advocate

ORDER

This Writ Petition has been filed praying for Writ of Mandamus directing the second respondent to release the petitioner's deed vide Document No:20150413 that pertains to the house site plot No.97 as comprised in T.S.No.429/11, situated at Kannadasan Nagar, Kurichivayal Village, Survey Block:14 and Survey ward No.3 of Karaikudi Municipal Town within the time stipulated by this Court.

2. When the matter is taken up for hearing, both the parties mutually consented upon to dispose of this Writ Petition in similar to the order made in **W.P. (MD) .No.12236 of 2012** dated **27.03.2015**.

3. Therefore, following the earlier order of this Court made in **W.P. (MD) .No.12236 of 2012** dated **27.03.2015**, on the very same subject, this Writ Petition is also disposed of, directing the respondents to return the document in question with the following conditions:-

(i)The Registering Authority while releasing the documents shall make necessary endorsement on the original documents to the effect that the proceedings under Section 47-A of the Act are pending/ initiated.

(ii)The Registering Authority shall make necessary entries in the register maintained regarding the pendency of 47-A proceedings in respect of the documents subject matter of this Writ Petition so as to reflect the same in the Encumbrance Certificate for the benefit of the purchasers.



(iii) Pending final decision in respect of the valuation under Section 47-A(i), as per Section 47-A(4) there shall be a charge over the properties in favour of the Government in respect of the unpaid value of the stamp duty.

(iv) After the entire proceedings under Section 47-A are completed, on production of the original documents by the petitioner, the Registering Authority shall make necessary endorsement removing the earlier endorsement clearly stating that the entire amount of stamp duty under the documents have been paid in full and return the same.

(v) After such endorsement, the Registering Authority shall make necessary entry of the completion of 47-A proceedings in the register maintained by them so as to reflect the same in the Encumbrance Certificate"

4. Therefore, it is open to the respondent to issue notice in Form No.I under provisions of Indian Stamps Act and the Rules framed thereunder and ascertain the correct market value of the property, after following due process of law. The petitioner shall co-operate in such enquiry as and when notice in Form No.I is issued.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Per.Admn.)

/True copy/

Sub Assistant Registrar

To

- 1.The Deputy Collector (Stamps),
Sivagangai District, Sivagangai.
 - 2.The Joint-2 Sub Registrar,
Office of Joint-2 Sub Registrar,
Karaikudi, Sivagangai District.
- +1cc to D.Balamurugan, Advocate SR.No.27986

W.P (MD) .Nos.8198 of 2015
04.06.2015

ssm

PA/AMF/15.06.2015/2P/4C