

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.13356 of 2016
and W.M.P.No.11702 of 2016

Kandula Ramanarayana Reddy

... Petitioner

vs.

1.The Inspector General of
Registration,
Santhome High Road,
Mylapore, Chennai-28.

2.The District Revenue Officer
(Stamps),
Chennai Collectorate,
5th Floor, Singaravelar Maligai,
32, Rajaji Sal;ai, Chennai-1.

3.The Sub Registrar,
Ambattur,
Chennai-53.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the respondents 2 and 3 to return / release the original sale deed registered as document No.13000/2015 dated 15.9.2015 on the file of the third respondent to the petitioner.

For Petitioner : Mr.V.Suryanarayana Reddy

For Respondents : Mr.S.Pattabiram,
Govt. Advocate.

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents 2 and 3 to

return / release the original sale deed registered as document No.13000/2015 dated 15.9.2015 on the file of the third respondent.

3. It is the case of the petitioner that he has purchased a land measuring to an extent of 15 cents in Survey No.348/1 part, situated at Athipattu Village, Ambattur Taluk, Thiruvallur District, for a valuable sale consideration of Rs.29,43,000/- from one A.S.Rajasekaran vide document No.13000/2015 dated 15.9.2015. On 15.9.2015, when the said document was presented before the third respondent herein for registration, the third respondent did not accept the value as set forth in the document and insisted the petitioner to pay stamp duty and registration fees at Rs.2,000/- per sq.ft. as per the guideline value. The petitioner did not agree for the same and requested the third respondent to refer the document to the second respondent under Section 47-A of the Stamp Act for determination of the market value. Thereafter, the third respondent agreed to register the said document under document No.13000/2015 and after that, the document has been referred to the second respondent for determination of the market value. While referring the document under Section 47-A of the Stamp Act, the third respondent has recommended the value market value at Rs.2,000/- per sq.ft. without any material evidence except the alleged guideline value. After referring the document, the petitioner received a notice on 11.12.2015 demanding to pay the deficit stamp duty of Rs.7,09,540/-. After receipt of the same, the petitioner sent his reply / objections vide letter dated 29.12.2015 stating that the market value is too high and exorbitant. After receiving the reply, the officials of the second respondent had inspected the petitioner's land on 2.2.2016. But, till date, no orders have been passed. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that in identical issue, this Court, by an order dated 16.10.2012, in W.P.No.28071 of 2012, has directed the respondents therein to release the document after making necessary endorsement about the pendency of the proceedings under Section 47-A of the Stamp Act. The relevant portion of the said order is usefully extracted hereunder:-

" 4. It is the case of the petitioners that even though the document has been registered, the same has not been released in their favour, alleging that proceedings under Section 47-A of Stamp Act are pending in respect of the property purchased by them. In such circumstances, in my considered view, the third respondent or the other respondents have no manner of

right to keep the document with them. The only remedy available to them is that the document shall be returned to the petitioners after making necessary endorsement in the document about the pendency of the proceedings under Section 47-A of Stamp Act.

5. In view of the same, the writ petition stands ordered, directing respondents 2 and 3 to return the original sale deed registered at the instance of the petitioners dated 29.3.2012, within a period of one week from the date of receipt of a copy of this order, after making necessary endorsement about the pendency of the proceedings under Section 47-A of the Stamp Act. M.P.No.1 of 2012 is closed. No costs."

Following the same, there shall be a similar order in this writ petition also.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector General of
Registration,
Santhome High Road,
Mylapore, Chennai-28.
- 2.The District Revenue Officer
(Stamps),
Chennai Collectorate,
5th Floor, Singaravelar Maligai,
32, Rajaji Salai, Chennai-1.
- 3.The Sub Registrar,
Ambattur, Chennai-53.

+1cc to V.Suryanarayana Reddy, Advocate sr.22535
+1cc to the Government Pleader Sr.22754

W.P.No.13356 of 2016

vgi (CO)
srg (02/05/2016)