

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2016

CORAM

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

W.P.Nos.38987 to 38997 of 2015

R.P.Darrmalingam .. Petitioner in all WPs

Vs.

1 The District Revenue Officer
(Stamps) O/o. The District Collector 5th
Floor M.Singaravelar Maligai No.32 Rajaji
Road Chennai - 1

2 The Sub Registrar
Guduvanchery .. Respondents in all WPs

COMMON PRAYER: Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents 1 and 2 to return the sale deed registered as document No. 9448, 9447, 9446, 9445, 9444, 9440, 9439, 9438, 9437, 9436, 9431 of 2008 respectively on the file of SRO Guduvanchery the 2nd respondent herein, forthwith.

For Petitioner .. Mr.Vivekanandan
(in all WPs)

For R1 & R2 .. Mr.V.Subbiah,
(in all WPs) Special Government Pleader

COMMON ORDER

The petitioner presented sale deeds for registration which were duly registered by second respondent on 04.11.2008. Thereafter, the first respondent issued Form - 1 Notice under Rule - 4 of the Tamil Nadu stamp (Prevention of under valuation of Instruments) Rules, 1968. A provisional order was passed on 13.03.2012 which was followed by Form- II, Notice under Rule 6 of Tamil Nadu stamp (Prevention of under valuation of Instruments) Rules, 1968 on the same date. On 05.04.2012, the first respondent passed a final order. The petitioner thereafter, filed appeals on the strength of the order passed by this Court in W.P.No.28979 to 28989 of 2015 on 29.09.2015 before the Inspector General of Registration. Now, pending the appeals, the petitioner seeks return of documents.

2. The law relating to return of documents is quite settled. Proceedings for recovery of deficit stamp duty is different from withholding the documents. This Court in a catena of decisions has already taken a view that documents shall not be withheld. The decision of the learned single Judge is also affirmed by the Division Bench of this Court.

3. Accordingly, writ petitions stand allowed. The respondents are directed to return the documents registered in favour of the petitioner within a period of four weeks from the date of receipt of a copy of this order subject to the condition that can be imposed including the endorsement that they are being released subject to the further orders to be passed in the appeals pending before the Inspector General of Registration. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The District Revenue Officer
(Stamps) O/o. The District Collector 5th
Floor M.Singaravelar Maligai No.32 Rajaji
Road Chennai - 1
- 2 The Sub Registrar Guduvanchery

+11 cc to Mr.M.Vivekanandan, Advocate, S.R.No.121 to 131
+1 cc to the Government Pleader, S.R.No.246

W.P.Nos.38987 to 38997 of 2015

rsk(CO)
srg(18/01/2016)