

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.627 of 2016
and CMP.No.8221 of 2016

- 1.The District Registrar
Chengalpattu, No.17, Rajaji Street, Chengalpattu
Opposite Kavitha Studio
Chengalpattu-603 001
- 2.The Sub Registrar
Tiruporur, 23, South Mada Street
Thiruporur
Kancheepuram District 603 110 ...Appellants/Petitioners
Vs.

Polyhose India Private Ltd.,
Rep. By its Managing Director
No.186 & 187, Poonamallee High Road
Kilpauk, Chennai-10 ...Respondent/Petitioner

Writ Appeal filed under clause 15 of the Letter Patent
against the order dated 28.01.2015 made in W.P.No.33781 of 2014.

WP.No.33781 of 2014: Writ Petition filed under Article 226 of the
Constitution of India praying for a Writ of Mandamus Directing
the second respondent to release the sale certificate dated
12.03.2014 and registered as Document No.3902 of 2014 on the
file of the Sub Registrar Tiruporur the 2nd respondent herein
forthwith and to direct payment of damages computed at
Rs.15 00 000/- from 01.04.2014 till the release of document.

For Appellants : Mrs.A.Srijayanthi,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by HULUVADI G. RAMESH, J.)

Heard the learned Special Government Pleader appearing
for the appellants/State.

2. By the impugned order, the learned Single Judge has directed the Government as under:-

"6. The settled legal position is that if the 2nd respondent entertains a doubt as regards whether the true market value of the property has been correctly set out in the instrument, then he is entitled to proceed in accordance with the provisions of section 47-A of the Indian Stamp Act. But, that does not empower that Sub Registrar to retain the document after the completion of the registration process. This Court in a long line of decisions has affirmed the above legal position. However, with a view to safeguard the revenue, has directed the Sub Registrar concerned to return the documents with appropriate endorsement stating that the document is returned subject to and without prejudice to the proceedings that may be initiated or already initiated for under valuation u/s.47-A of the Stamp Act. "

3. In similar circumstances, in W.A.No.65 of 2016, by order dated 25.01.2016 [The Inspector General of Registration and others Vs. M.Jayalakshmi], a Division Bench of this Court has held as under:-

".... we are not inclined to interfere with the order sought to be impugned herein. Accordingly, the Writ Appeal is dismissed. However, there shall be a charge over the property in question till the proceedings initiated under Section 47-A, *ibid*, is complete. "

4. Since this court has already taken a view stating that there shall be a charge over the property in question till the proceedings initiated under Section 47-A of the Act are complete with a view to safeguard the interest of revenue and the Government, we are of the view that no further directions are required other than the observation made by the Division Bench of this Court (*ibid*). We approve the condition ordered by the learned Single Judge, which provides sufficient safeguard to ensure recovery of fee, if any, as and when occasion arises. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected CMP is closed.

-s/d-

Assistant Registrar (CSII)

True Copy

Sub-Assistant Registrar

nvsri

To

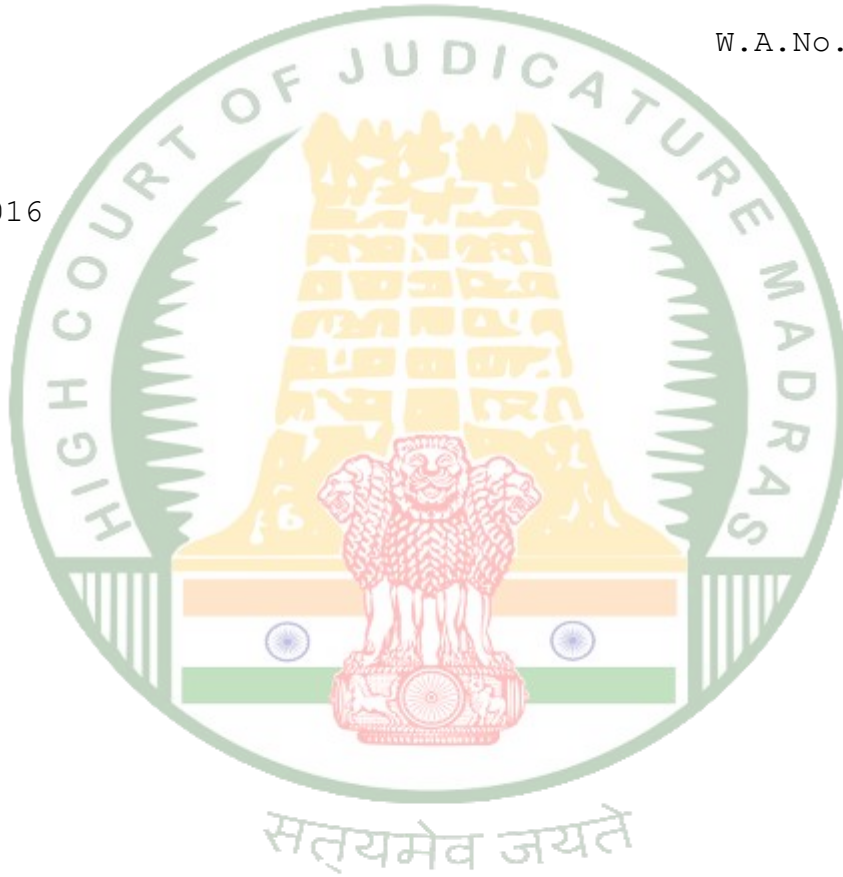
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+1 cc to Government Pleader sr.31536

W.A.No.627 of 2016

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