

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2016
CORAM

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

W.A.No.764 of 2016

1. The State of Tamil Nadu
rep.by the Inspector General of Registration
Santhome, Chennai-28
 2. The District Revenue Officer (Stamps)
District Collectorate's office
M.Singaravelar Maaligai Chennai-1
 3. The Sub Registrar
Thirupporur
Kancheepuram District
- vs-
- Mr.P.J.Prabhakar HUF
rep.by its Kartha Mr.P.J.Prabakar
- Appellants
Respondent

Appeal under Clause 15 of the Letters Patent, against the order dated 04.02.2016 made in W.P.No.2509 of 2016.

W.P.No.2509 of 2016:- 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 release the sale deed dated 06.02.2015 registered as Document No.1763/2015 in Block I in the office of the 3rd respondent herein pending final disposal of the alleged deficit stamp duty thereof.

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

JUDGMENT

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

At the time of admission, the appeal is taken up for disposal. 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. Considering the facts and circumstances of the case and considering the dictum laid down

by this Court, this Court is of the opinion that the third respondent has no right to retain the document and there is no provision under the Indian Stamp Act empowering the registering authority to retain the document after registration.

7. Hence, the third respondent is directed to release the sale deed dated 6.2.2015 registered as document No.1763/2015 in Book I, pending on his file, with an endorsement that the release of the document would be subject to further proceedings that may be initiated under the provisions of the Indian Stamp Act. The said exercise shall be carried out within a period of two weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs."

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. The above order was also followed by this Court in W.A.No.627 of 2016 dated 9.2.2016 (*The District Registrar, Chengalpattu v. Polyhouse India Private Ltd., Chennai*). 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 the 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. Consequently, C.M.P.No.9908 of 2016 is also dismissed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

ss

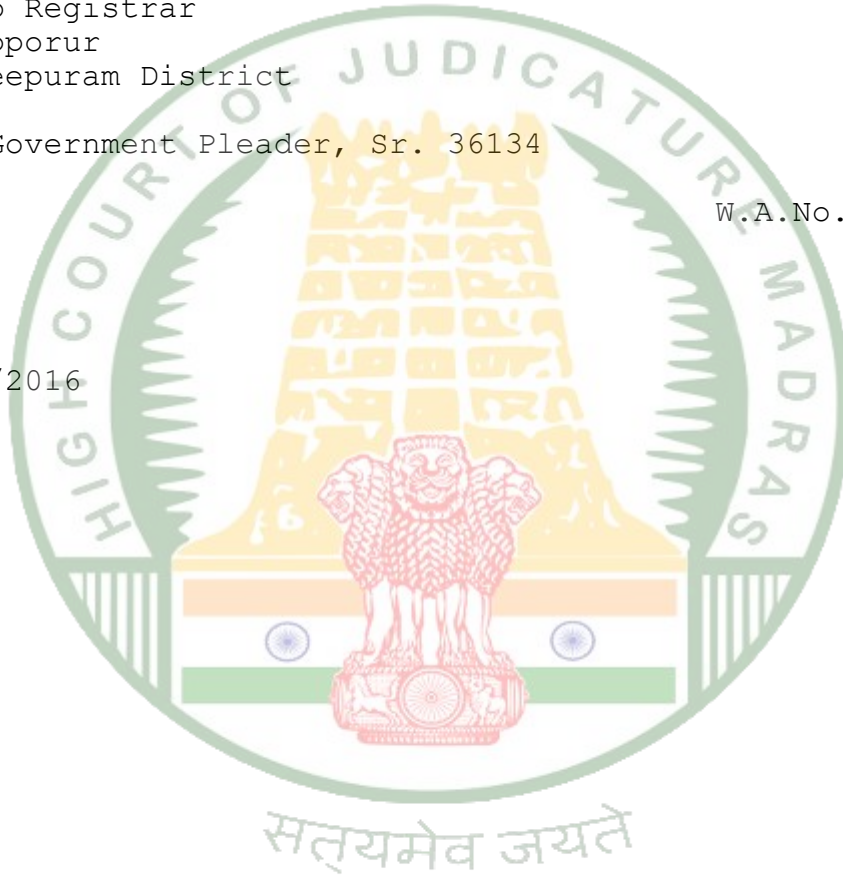
To

1. The Inspector General of Registration
Santhome
Chennai 600 028
2. The District Revenue Officer (Stamps)
District Collectorate's office
M.Singaravelar Maaligai
Chennai 600 001
3. The Sub Registrar
Thirupporur
Kancheepuram District

+1 cc to Government Pleader, Sr. 36134

W.A.No.764 of 2016

AD (CO)
srg 17/08/2016



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