

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.5069 of 2016

R.Sadasivam

.. Petitioner

Vs.

1. Special Deputy Collector (Stamps),
3rd Floor, District Collectorate, Salem.

2. Sub-Registrar,
Sub-Registrar Office,
Royakottai, Krishnagiri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to conclude Sec.47-A enquiry initiated upon the sale deed, dated 03.04.2014 by Document No.943/2014 on the file of Sub-Registrar, Rayakottai and to release the above sale deed to the petitioner.

For Petitioner : Mr.K.Thiruvengadam

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.G.P.

ORDER

The petitioner has come forward with this Writ Petition seeking for issuance of a Writ of Mandamus to direct the respondents to conclude the enquiry initiated under Section 47-A of the Indian Stamp Act, upon the sale deed, dated 03.04.2014 in Document No.943 of 2014 on the file of the second respondent/Sub-Registrar, Rayakottai and to release the above sale deed to the petitioner.

2. It is the case of the petitioner that pursuant to the judgment and decree, dated 19.04.2012 passed in O.S.No.77 of 2011 and execution proceedings initiated thereupon, the learned Subordinate Judge, Hosur, on behalf of one Chinna Govindan and his wife Govindammal, executed a sale deed, dated 03.04.2014 in favour of the petitioner. After registering the sale deed, the second respondent with-held the petitioner's sale deed and initiated enquiry under Section 47-A of the Indian Stamp Act,

and hence, the petitioner has come forward with this Writ Petition for the relief stated above.

3. Since the scope of the prayer made in this Writ Petition is limited to the extent of directing the respondents to conclude the enquiry proceedings initiated under Section 47-A of the Indian Stamp Act and release the sale deed, it is not necessary to deal with the other averments made in the Writ Petition.

4. Heard the learned counsel for the petitioner and the learned Special Government Pleader, who took notice for the respondents.

5. Considering the submissions made on either side, without going into the merits of the case, this Writ Petition is disposed of, with a direction to the first respondent to conclude the enquiry proceedings initiated under Section 47-A of the Indian Stamp Act in respect of the above said sale deed, dated 03.04.2014 and after affording an opportunity of personal hearing to the petitioner and other necessary party, if any, pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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Copy to

1. Special Deputy Collector (Stamps),
3rd Floor, District Collectorate, Salem.

2. Sub-Registrar,
Sub-Registrar Office,
Royakottai, Krishnagiri District.

+1 cc to Mr.K.Thiruvengadam Advocate sr.8896
+1 cc to Government Pleader sr.9139

W.P.No.5069 of 2016

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