

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.3145 OF 2016

ORDER :

Heard counsel for the petitioner, the Government Pleader for Revenue appearing for respondents 1 & 2, and Sri K.Goverdhan Reddy, Counsel for 3rd respondent.

2. Petitioner has presented an unregistered sale deed dt.11.02.1985 to the 1st respondent for the purpose of impounding under the provisions of the Indian Stamp Act, 1899 (for short 'the Act') and it was rejected by the impugned endorsement dt.04.12.2015 by the 1st respondent on the ground that the 3rd respondent had objected to its impounding because a case is pending in a Civil Court between the parties in respect of the land which is the subject matter of the said document.

3. There is no provision in the Act empowering the 1st respondent to refuse to impound a document on the ground that a civil litigation is pending between private parties in respect of the land, which is subject matter of the said document.

4. This legal position is not disputed by the Government Pleader for Revenue as well as the counsel for 3rd respondent.

5. Therefore, this Writ Petition is allowed. The impugned endorsement of the 1st respondent is set aside; the 1st respondent is directed to impound the document i.e., unregistered sale deed dt.11.02.1985, as per the provisions of the Act and collect requisite stamp duty and penalty from the petitioner in accordance with law, ignoring the objections raised by the 3rd respondent. The 1st respondent shall also pay costs of Rs.500/- to the petitioner within a period of four (04) weeks from today.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

04th March, 2016.

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