

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.6539 of 2017

1.S.Subbulakshmi
2.P.Nivas

... Petitioners

Vs.

1.The Sub Registrar,
Dharapuram,
Tiruppur District.

2.The District Revenue Officer (Stamps)
Coimbatore, Coimbatore District.

(R2 impleaded as per order dated 06.06.2017
in WMP.No.13346/2017 in WP.6539/2017)

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondent to release the sale deed dated 07.03.2016 registered as Doc.No.1758 of 2016.

For Petitioners : Mr.E.Sathiyaraj
for Mr.T.Narendra Kumar

For Respondents : Mr.Era Premnath
Government Advocate

O R D E R

Mr.Era Premnath, learned Government Advocate, takes notice for the respondents.

2. By consent, the main writ petition itself is taken up for final disposal at the admission stage itself.

3. The petitioners have filed the above writ petition to issue writ of mandamus directing the respondents to release the sale deed dated 07.03.2016 registered as Doc.No.1758 of 2016.

4. It is the case of the petitioners that on 07.03.2016, the petitioners jointly purchased 1/4th undivided share of the land measuring 1.25 acres out of 5 acres in S.No.369, T.S.No.22 of Dharapuram Town, Block No.7 of Dharapuram Town, Dharapuram Taluk and Tiruppur District, from one Kala @ Kalavathy and her

daughters and son and the sale deed was presented for registration before the first respondent and registered as Doc. No.1758/2016. Since there is a dispute with regard to valuation, the first respondent referred the matter to the Revenue Department under Section 47-A of the Indian Stamp Act and the proceedings under Section 47-A is pending.

5. The Learned Counsel appearing for the petitioners submitted that this Court in W.P.No.29980 of 2016 dated 17.10.2016 had directed the Sub Registrar to return the registered document imposing the following conditions:

" (i)The Registering Authority while releasing the documents shall make necessary endorsement on the original documents to the effect that the proceedings under Section 47-A of the Act are pending.

(ii)The Registering Authority shall make necessary entries in the register maintained regarding the pendency of 47-A proceedings in respect of the documents subject matter of the registration so as to reflect the same in the Encumbrance certificate for the benefit of the purchasers.

(iii)Pending final decision in respect of the valuation under section 47-A(i), as per Section 47-A(4) there shall be a charge over the properties in favour of the Government in respect of the unpaid value of the stamp duty.

(iv)After the entire proceedings under section 47-A are completed, on production of the original documents by the petitioner, the Registering Authority shall make necessary endorsement removing the earlier endorsement clearly stating that the entire amount of stamp duty under the documents have been paid in full and return the same.

(v)After such endorsement, the Registering Authority shall make necessary entry of the completion of 47-A proceedings in the register maintained by them so as to reflect the same in the Encumbrance Certificate."

6.Mr.Era Premnath, Learned Counsel appearing for the respondents submitted that following the order passed in the above said writ petition, the present writ petition can be disposed of, imposing the conditions stated therein.

7. In view of the submissions made by the learned Counsel on either side, the following order is passed:

'The document registered in Doc.No.1758/2016, dated 07.03.2016 is directed to be released to the petitioners subject to the following conditions:

(i) The Registering Authority, while releasing the document, shall make necessary endorsement on the original document to the effect that the proceedings under Section 47-A of the Act are pending.

(ii) The Registering Authority shall make necessary entries in the register maintained regarding the pendency of 47-A proceedings in respect of the document subject matter of the registration so as to reflect the same in the Encumbrance certificate for the benefit of the purchasers.

(iii) Pending final decision in respect of the valuation under section 47-A(i), as per Section 47-A (4), there shall be a charge over the property in favour of the Government in respect of the unpaid value of the stamp duty.

(iv) After the entire proceedings under section 47-A are completed, on production of the original document by the petitioners, the Registering Authority shall make necessary endorsement removing the earlier endorsement clearly stating that the entire amount of stamp duty under the document has been paid in full and return the same.

(v) After such endorsement, the Registering Authority shall make necessary entry of the completion of 47-A proceedings in the register maintained by them so as to reflect the same in the Encumbrance Certificate.

With the above direction, this Writ Petition is disposed of.
No costs.

-s/d-
Deputy Registrar

True Copy

Sub-Assistant Registrar

To

1.The Sub Registrar,
Dharapuram,
Tiruppur District.

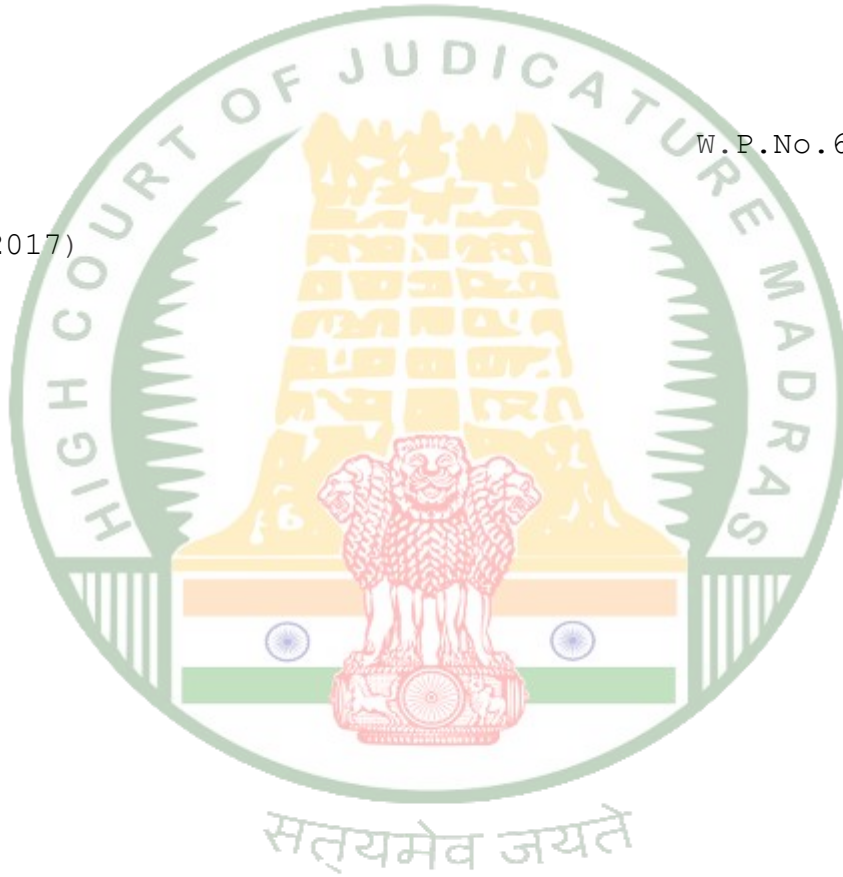
2.The District Revenue Officer (Stamps)
Coimbatore, Coimbatore District.

+1 CC to Mr.T.Narendra Kumar, Advocate sr 44007

+1 CC to Govt. Pleader sr 44543

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RSI (CO)
sp(04/07/2017)



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