IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

W.P.No.6579 of 2017

Mr.Y.Balan .. Petitioner

Vs

1. The Special Deputy Collector (Stamps),
   District Revenue Officer,
   V Floor, M.Singaravelar Maligai,
   32, Rajaji Salai, Chennai 600 001

2. The Sub Registrar,
   Red Hills SRO,
   Chennai .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to return the Sale Deed bearing Doc.No.7371/2013 dated 10.06.2013 on the file of 2nd respondent (now pending before 1st Respondent).

For Petitioner : M/s.S.P.Sudalaiyandi

For Respondents : Mrs.K.Bhuvaneswari, GA.

O R D E R

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents to return the Sale deed dated 10.06.2013 on the file of the 2nd Respondent (now pending before 1st Respondent).

2. According to the Petitioner, the Sale Deed was registered in the year 2013 before the 2nd respondent and subsequently, the document was referred to the 1st Respondent for determination of the market value under Section 47-A of the Indian Stamp Act. On 07.08.2013, the 1st respondent sent Form – I notice to the petitioner and on 14.08.2013, the petitioner replied to the same. However, the petitioner contended that till today, there is no progress in the matter and the respondents have not released original certificate. In these circumstances, the petitioner has filed the writ petition for returning of the Sale deed.

3. The Learned Counsel appearing for the petitioner in support of his contention relied upon an unreported order of this Court dated 18.06.2015 passed in WP No.17432 of 2015, wherein in similar circumstances, this Court has held as follows :-

> "....6. The above said judgement was considered by this Court in WP No.23606 of 2010 vide order dated 08.11.2010 and the Court has ordered return of the document subject to certain conditions, which read as under,
>
> i) It is open to the Registering Authority to affix a seal, while releasing the original deed or conveyance or any other document indicating that a reference is pending under section 47-A with respect to under valuation and assessment of Stamp duty payable, and as and when the proceedings reach finality, the same shall be intimated to the person who is liable to pay stamp duty demanding payment of deficit stamp duty payable on the instrument.
>
> ii) The Registrar to make correspondent entries under Sections 54, 55 of the Registration Act, 1908, in the Register of indexes as to the pendency of proceedings under Section 47-A.
>
> Iii) On completion of adjudication as to the under-valuation by the Competent Authority as well as appeal or revision, if any, thereof, and depending upon the ultimate decision, the said authorities to recover the deficit stamp duty according to law.
>
> iv) Till such proceedings reach finality and deficit is paid, there will be a charge for the deficit stamp duty, which is the subject matter of transfer or conveyance.
>
> v) On payment of deficit stamp duty, if any payable, the Registrar may once again, on

production of the original deed of transfer, make appropriate entry and recording the additional stamp duty paid and release of charge and also make consequential entries in the registers/indexes maintained under Sections 54, 55 etc., of the Registration Act.

vi) The Petitioner shall co-oprate in the adjudication proceedings pending under Section 47-A of the Indian Stamp Act before the authority concerned.

7.Therefore this Writ Petition is also disposed of directing the Second respondent to return the document No.12523 of 2013 on the file of the Sub-Registrar, Redhills, SRO, Chennai in terms of the above said directions issued in WP.No.23606 of 2010 within a period of four weeks from the date of receipt of copy of this order. However, there is no order as to costs."

4. The Learned Government Advocate appearing for the respondents submitted that the Writ Petition can be disposed of following the earlier order passed by this Court.

5. Having regard to the submissions made by the learned counsel on either side, following the order passed in WP No.17432 of 2015, I disposed of the Writ Petition directing the respondents to return the documents bearing No.7371 of 2013 on the file of the Sub Registrar, Red Hills SRO, Chennai, in terms of the directions issued in WP No.23606 of 2010, within a period of four weeks from the date of receipt of a copy of this order.

6.With these observations, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsm/rka

To

1. The Special Deputy Collector (Stamps),
   District Revenue Officer,
   V Floor, M.Singaravelar Maligai,
   32, Rajaji Salai, Chennai 600 001

2. The Sub Registrar,
   Red Hills SRO,
   Chennai

+1cc to Mr.S.P.Sudalaiyandi, Advocate, S.R.No.22023
+1cc to the Government Pleader, S.R.No.22188

W.P.No.6579 of 2017

rj(co)
rmp(13/04/17)