

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.11.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.636 of 2017 and
CMP Nos.8813 and 8814 of 2017

- 1.The Special Deputy Collector (Stamps)
District Collectorate,
Cuddalore 1.
 - 2.The Special Tahsildar (Stamps)
Tahsildar's Office,
Tindivanam, Villupuram District
Pin 604 001.
 - 3.The Sub Registrar,
Sub-Registrar's Office,
Avaraipakkam, Tindivanam,
Villupuram District. Pin 604 001.
- ...Appellants
- Narayanasamy Vs ...Respondent

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.2700 of 2015 dated 04.02.2015.

WP.NO.2700/2015

Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to return the registered Sale Deed in Book 1 bearing Document No.2990 of 2014 dt 4.7.2014 on the file of the 3rd respondent herein within a time frame that may be fixed by this Court

For Appellants : Mrs.A.SriJayanthi
Special Govt.Pleader

For Respondent : No appearance

J U D G M E N T

K.K. SASIDHARAN, J.

The writ petition filed by the respondent for return of the registered Sale Deed was allowed by the learned single Judge taking into account the pendency of the proceedings under Section 47 A of the Indian Stamps Act. The said order is under challenge in this intra court appeal.

2. When the writ appeal came up for hearing on 14 November, 2017, the learned Special Government Pleader produced a copy of the proceedings dated 20 October, 2017 on the file of the Collector (Stamps) determining the Stamp duty payable by the respondent. The learned counsel for the respondent took time to take instructions.

3. None appeared on behalf of the respondent.

4. The learned single Judge directed the appellants to return the registered Document No.2990 of 2014 on the file of Sub-Registrar, Avaraipakkam to the respondent on the ground that proceedings under Section 47 A of the Indian Stamps Act is pending before the statutory authority. It is a matter of record that the proceedings culminated in an order passed by the Collector (Stamps) on 20 October, 2017. There is an appellate remedy available to the respondent against the order dated 20 October, 2017. It is always open to the respondent to make a request before the Appellate Authority either for disposal of the proceedings or for return of the document in accordance with law. We are therefore of the view that the respondent must approach the Appellate Authority for appropriate relief rather than defending this appeal at the instance of the State.

5. We set aside the order passed by the learned single Judge dated 4 February, 2015 on account of the order dated 20 October, 2017 determining the Stamp duty payable by the respondent.

6. The intra court appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

svki

TO:

1.The Special Deputy Collector (Stamps)
District Collectorate,
Cuddalore 1.

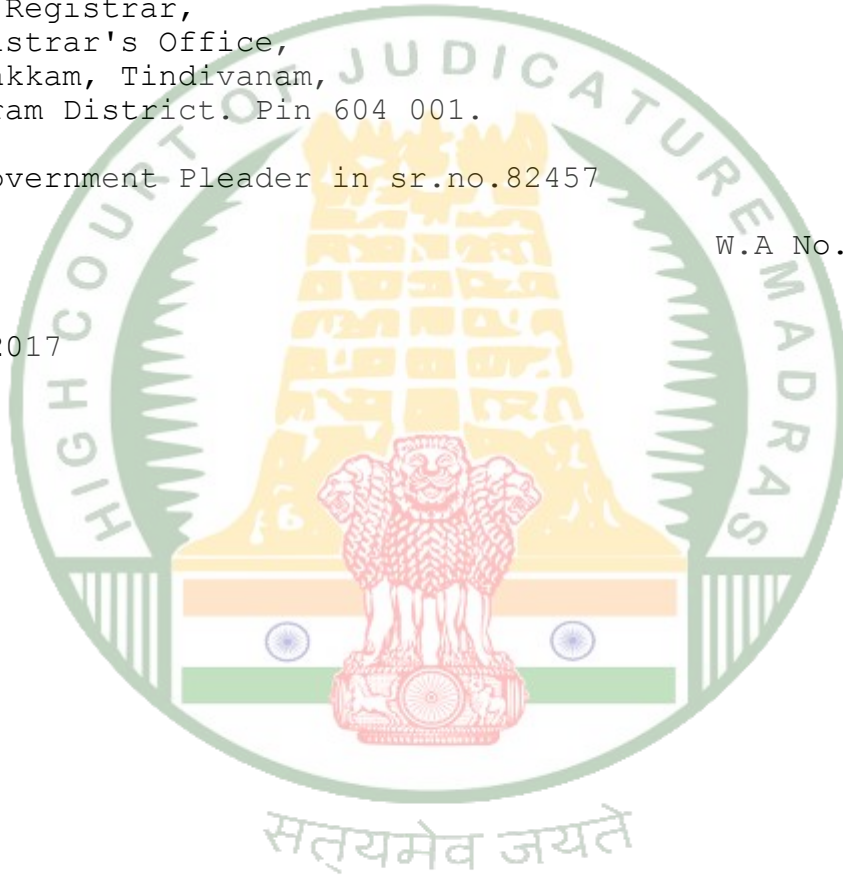
2.The Special Tahsildar (Stamps)
Tahsildar's Office,
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Pin 604 001.

3.The Sub Registrar,
Sub-Registrar's Office,
Avaraipakkam, Tindivanam,
Villupuram District. Pin 604 001.

+1cc to Government Pleader in sr.no.82457

W.A No.636 of 2017

SK(CO)
NR 12/12/2017



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