

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.644 of 2017

And

C.M.P.No.8889 of 2017

- 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. ... Appellants/Respondents

Vs.

Y.Balan ... Respondent/Petiitioner

Prayer:

Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 11.04.2017 made in W.P.No.6579 of 2017.

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 Appellant : Ms.A.Srijayanthi
Special Government Pleader
For Respondent : Mr.S.P.Sudalaiyandi

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN,J.)

This intra court appeal is directed against the order dated 11.04.2017 in W.P.No.6579 of 2017 directing the appellants to return the sale deed registered on 10.06.2013 to the respondent after making necessary endorsement pending disposal of the

proceedings under Section 47-A of the Indian Stamp Act.

2.The document registered by the respondent before the Sub Registrar, Red Hills, on 10.06.2013 was not returned by the Sub Registrar on the ground that proceedings under Section 47-A of the Indian Stamp Act was pending before the Special Deputy Collector (Stamps), Chennai. The petitioner therefore filed W.P.No.6579 of 2017.

3.The learned Single Judge by order dated 11.04.2017 directed the appellants to return the document with an endorsement. Feeling aggrieved by the said order, the appellants have come up with this appeal.

4.When the writ appeal was taken up for hearing, the learned counsel for the respondent fairly submitted that the first appellant has already passed orders in the pending proceedings initiated under Section 47-A of the Indian Stamp Act on 05.07.2017. The respondent thereafter filed a statutory appeal before the Appellate Authority challenging the order passed by the Special Deputy Collector (Stamps), Chennai.

5.The learned Single Judge directed the appellants to return the document to the respondent pending disposal of the proceedings under Section 47-A of the Indian Stamp Act. The proceedings under Section 47-A has already been disposed of by the first appellant.

6.We are therefore of the view that the remedy of the respondent is only to move the Appellate Authority for return of the documents. We are therefore, inclined to set aside the order dated 11.04.2017 in W.P.No.6579 of 2017.

7.The intra court appeal is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is also closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

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

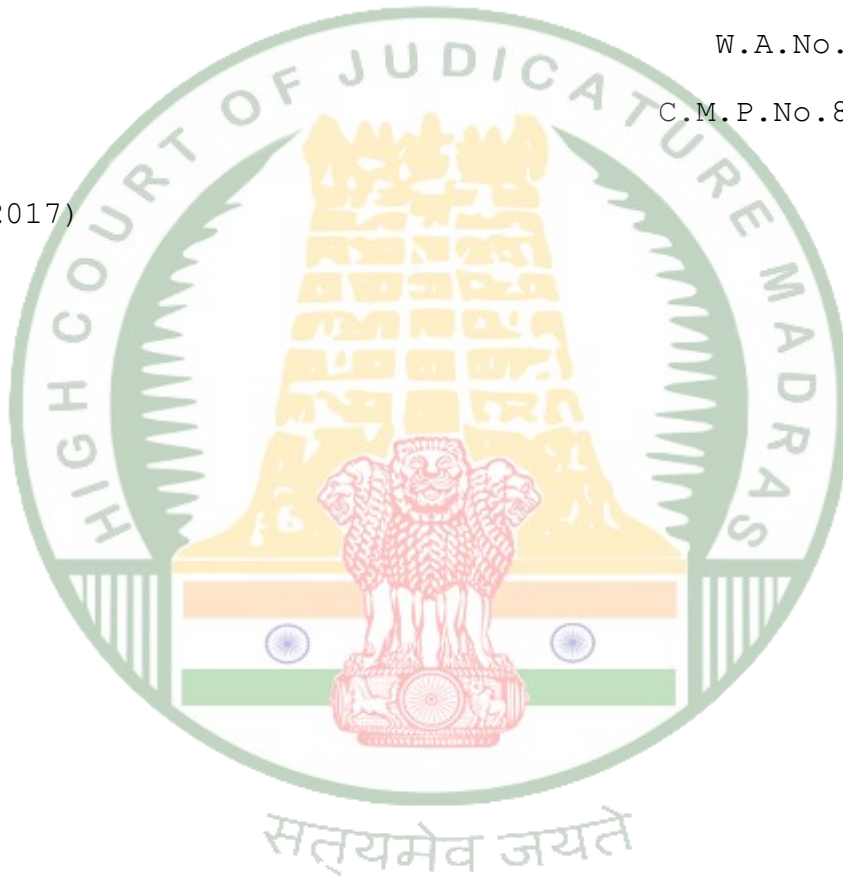
2.The Sub Registrar,
Red Hills SRO,
Chennai.

+1 Cc to Govt. Pleader sr 76241.

+1 Cc to Ms.S.P. Sudalaiandi, Advocate sr 76468.

W.A.No.644 of 2017
And
C.M.P.No.8889 of 2017

GMI (CO)
SP(21/11/2017)



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