

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No. 42855 of 2016

1. C.Thamizh Maran
S/o.Late Ko.Chenguttuvan,
No.9 Somasundram Street,
T.Nagar, Chennai-600 017. ... Petitioner

Vs

- 1 The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road,
Santhome, Chennai.
- 2 The District Revenue
Officer (Stamps) Collectorate, V Floor,
M.Singaravelan Maligai, 32 Rajaji Salai,
Chennai- 600 001
- 3 The Sub Registrar
Thiruporur Sub Registrar Office,
Thiruporur ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the respondents 2 & 3 to return the documents No.14748, 14749 & 14750 registered on 01.12.2015 on the file of 3rd respondent to the petitioner by considering his representations dated 18.03.2016 and 29.04.2016.

For Petitioner : Mr.R.Marudhachalamurthy
For Respondents : Mr.S.Rajeswaran

O R D E R

Petitioner has come up with the present writ petition seeking a writ of mandamus directing the respondents 2 and 3 to return the documents No.14748, 14749 & 14750 registered on 01.12.2015 on the file of 3rd respondent and also to consider

the petitioner's representation.

2. There are cateena of decisions of this Court pertaining to return of documents and the learned counsel for the petitioner also produced one such order of this Court in W.P.No.32313 of 2013 dated 09.01.2013 and would submit that the petitioner is also similarly placed with that of others.

3. Following the order of this Court more particularly, paragraph 7 of the said judgment which is usefully extracted hereunder, this writ petition is also disposed of. No costs.

4. Paragraph 7 of W.P.No.32313 of 2013 would read thus:

7. Accordingly, the respondent is directed to return the sale deed dated 25.9.2013, registered as Document No.11296 of 2013, within a period of two weeks from the date of receipt of a copy of this order, subject to the following conditions:

"i) The Registering Authority while releasing the documents, 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 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."

Further, the respondent is at liberty to finalise the proceedings initiated under section 47 A of the said Act, as expeditiously as possible.

Smi

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector General of Registration
Office of the Inspector General of Registration
Santhome High Road,
Santhome, Chennai.
- 2 The District Revenue
Officer (Stamps) Collectorate, V Floor,
M.Singaravelan Maligai, 32 Rajaji Salai,
Chennai- 600 001
- 3 The Sub Registrar
Thiruporur Sub Registrar Office,
Thiruporur.

+1cc to Mr.R. Marudhachalamurthy, Advocate, S.R.No.4039
+1cc to the Government Pleader, S.R.No.4098

AD(CO)
md(23/02/2017)

W.P.No. 42855 of 2016