



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P(MD)No.19006 of 2017

A.Alavudeen

.. Petitioner

Vs.

1.The Sub Registrar,
Registration Department,
Ilayangudi, Sivagangai District.

2.The Special Additional Collector (Stamp),
Collectorate, Virudhunagar.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to release the sale deed bearing Document No.310 of 2016 to the petitioner immediately in the light of the Judgments in W.P(MD)No. 12447 of 2011, dated 20.12.2011 and W.P (MD)No.32166 of 2014, dated 30.03.2015 within a time frame as fixed by this Court.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.M.Alagathevan,
Special Government Pleader.

ORDER

This writ petition is filed seeking a writ of Mandamus to direct the first respondent to release the sale deed bearing Document No.310 of 2016 to the petitioner immediately, in the light of the Judgments in W.P(MD)No.12447 of 2011, dated 20.12.2011 and W.P(MD)No.32166 of 2014, dated 30.03.2015, within the time stipulated by this Court.

2.Heard both sides.

3.The case of the petitioner is that he purchased punja land, admeasuring 3 acres 12 cents, comprised in Survey No.120/1, Thiruvallur Village and Panchayat, Ilayangudi Taluk and he submitted the sale deed for registration before the first respondent. But, the first respondent impounded the same on the ground of deficit stamp duty. The second respondent also, without conducting any enquiry, fixed the penalty amount to the tune of Rs.1,92,500/- and also sent a notice dated 22.08.2017, directing him to attend enquiry, on 03.10.2017. According to the petitioner, the first respondent is not having jurisdiction to proceed under Revenue Recovery Act without holding an enquiry under Section 47(A) of the Stamp Act. Therefore, the petitioner is before this Court with the



aforesaid prayer.

4.The learned Special Government Pleader appearing for the respondents would submit that the document has not been released due to deficit of stamp duty.

WEB COPY

5.The first respondent is declined to release the document due to deficit of stamp duty. If that be the case, it is always open to the respondents to take appropriate action for recovery of the amount, which is claimed to be deficit. Under such circumstances, it is open to the respondents to release the document filed by the petitioner, within a period of six weeks from the date of receipt of a copy of this order, after following necessary formalities for collecting the deficit stamp duty if any;

6.The writ petition is disposed of with the above observation. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Sub Registrar,
Registration Department,
Ilayangudi, Sivagangai District.

2.The Special Additional Collector (Stamp),
Collectorate, Virudhunagar.

+1cc to Mr.B.PRAHALAD RAVI Advocate in SR. No. 89491
SMN
JS/JC/SAR.1/12.12.2017/2P-4C

ORDER MADE IN
W.P(MD)No.19006 of 2017
23.11.2017