

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

CIVIL REVISION PETITION No.2651 of 2017

ORDER:

Assailing the order dated 02.06.2017, passed in I.A.No.321 of 2017 in O.S.No.162 of 2015, wherein the petition filed under Section 32(1) of the Indian Stamp Act, 1899 to permit the petitioner to send the documents i.e., unregistered sale deed dated 16.05.2013 and oppudala patram dated 30.05.2014 to the Sub-Registrar Office, Chandragiri, for impounding the documents and for collection of stamp duty and penalty, was dismissed, the present Civil Revision Petition is filed.

2. The facts in issue are as under:

The petitioner/plaintiff filed O.S.No.162 of 2015 seeking eviction of the defendants from the plaint schedule property by delivering possession to her and she also filed documents in support of her contention. The documents i.e., unregistered sale deed dated 16.05.2013 and oppudala patram dated 30.05.2014, which were executed by the defendant, have not been marked as they were insufficiently stamped and the same are required to be sent to Sub-Registrar Office, Chandragiri for payment of stamp duty. It is stated that earlier, she filed a petition in I.A.No.785 of 2015 which was allowed on 10.08.2015 and the documents were sent to the Sub-Registrar office, Chandragiri. But the concerned authorities returned the same stating that the plaint schedule property is a Government land and no value is fixed for the same. It was further stated that the house site rate is Rs.2,000/- per square yard for registerable property in the said village and structure rate is Rs.700/- per square feet. Hence, vide

I.A.No.321 of 2017, the plaintiff prayed to permit to send the documents mentioned in the petition for collection of proper stamp duty by the Sub-Registrar, Chandragiri, as per the said rate. The Court below after considering the matter in detail, dismissed the said application. Hence the present CRP came to be filed.

3. Learned counsel for the petitioner would submit that the petitioner/plaintiff would be put to prejudice if the documents are not impounded. Learned counsel for the respondents would submit that the application filed by the plaintiff was rejected on the ground that the property is a Government land and as such the request cannot be accepted. However, he submits that the petitioner is trying to take advantage of the contents of the order dated 14.08.2015, wherein the authority while stating that the land is included in the list of Government lands and that no value is fixed in the Market Value, referred to the rates prevailing in the area.

4. A perusal of the record would show that earlier the petitioner filed I.A.No.785 of 2015, which was allowed and the documents were sent to the Sub-Registrar Office, Chandragiri, but the concerned authorities refused to accept the request of the petitioner on the ground that the property is a Government land and hence no value is fixed to the said property. The same was communicated by the Sub-Registrar to the District Registrar, vide his letter dated 14.08.2015, referring to the values prevailing as on that date. Now, I.A.No.321 of 2017 came to be filed seeking the very same relief. The question of passing orders again in the impugned I.A., does not arise at this stage. Further, it is to be noted that the documents which are filed by the

plaintiff i.e., the unregistered sale deed dated 16.05.2013 and Oppudala Patram dated 30.05.2014 cannot be impounded by the concerned authority, as the lands in dispute are Government lands and are in prohibited list, which is very much clear from the letter dated 14.08.2015.

5. Having regard to the above circumstances, this Court is of the view that the request of the petitioner for impounding of documents cannot be accepted and the Civil Revision Petition is accordingly dismissed. No costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Civil Revision Petition, shall stand dismissed.



JUSTICE C. PRAVEEN KUMAR

04.08.2017
vhb