

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2018

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.1729 of 2018

V.Bharani

... Petitioner

Vs.

1.The Secretary to Government (Revenue),
Registration Department,
Government of Puducherry,
Puducherry.

2.The Deputy Collector (Revenue) South,
Villianur, Puducherry.

3.The Sub Registrar (SRO),
Bahour, Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondents 2 & 3 to release the Sale Deed registered before the 3rd respondent in Document No.1204/03 dated 27.06.2003 based on the petitioner's representation dated 08.01.2018.

For Petitioner : Mr.R.Thiagarajan

For Respondents: Mr.B.Nambi Selvan,
Additional Government Pleader (Pondy)

O R D E R

This Writ Petition has been filed by the petitioner seeking for issuance of Writ of mandamus directing the respondents 2 & 3 to release the Sale Deed registered before the 3rd respondent in Document No.1204/03 dated 27.06.2003 based on the petitioner's representation dated 08.01.2018.

2.The learned counsel appearing for the petitioner has submitted that when the petitioner has registered a Sale Deed on 27.06.2003 after purchasing the some agricultural land, on 24.09.2003, the document was referred to the 2nd respondent under Section 47A of the Indian Stamp Act for under valuation of the

property. The 2nd respondent has also passed an order on 05.07.2004. Aggrieved by the said order, the petitioner filed an appeal in M.A.No.1 of 2005 on the file of the Principal Sub Judge, Puducherry.

3. On 21.11.2006, the Principal Sub Judge had remitted the matter back to the Collector for reconsideration, in the light of the observations made therein, with a further direction to the Collector to dispose of the matter within a short period as the matter was pending for quite a long time. Pursuant to the said order, the 2nd respondent passed an order on 14.11.2007, in which he has confirmed the earlier order dated 05.07.2004. Aggrieved over the same, another appeal in M.A.No.1 of 2008 on the file of the Principal Sub Judge, Puducherry was filed. After hearing both sides, the Principal Sub Judge, Puducherry has come to a conclusion that the respondent has not chosen to give any evidence or produce any record to support their strengthen case.

4. In these circumstances, after perusing the evidence and deposition given by the Revenue Officials, the Principal Sub Judge had come to the conclusion that the respondents have not followed the rules and regulations contemplated under the Pondicherry Stamps (Prevention of Under Valuation of Instruments) Rule, 1970, while fixing the stamp duty on the Sale Deed Ex.P1. Accordingly, allowed the appeal and set aside the order dated 14.11.2007 with a direction to the respondent to value Ex.P1 property as the value of the property situated in Survey No.56/1A/a and also to consider the value of the property mentioned in Exs.P2 & P6. The order dated 31.10.2017 made in M.A.No.1 of 2008 by the Principal Sub Judge, Puducherry became final. However, the Collector, Puducherry has not undertaken the exercise, as a result of which, the document of the petitioner is still kept in cold storage, which causes huge prejudice to the petitioner. Hence, the petitioner has sought for consideration of her representation dated 08.01.2018.

5. Mr. B. Nambi Selvan, learned Additional Government Pleader (Pondy) appearing for the respondents 1 to 3 has requested for some more time for filing counter.

6. This Court is not inclined to grant any further time for the respondents to file counter for the reason that the order passed by the Principal Sub Judge, Puducherry in M.A.No.1 of 2008 on 31.10.2017, clearly shows that the order dated 14.11.2007 passed by the 2nd respondent was set aside, directing the 2nd respondent to value Ex.P1 property as the value of the property situated in Survey No.56/1A/a and also to consider the

value of the property mentioned in Exs.P2 & P6. Till date the said exercise has not been done by the 2nd respondent, inspite of the petitioner's representation dated 08.01.2018.

7.In the result, the Writ Petition is allowed as prayed for. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar
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To

- 1.The Secretary to Government (Revenue),
Registration Department,
Government of Puducherry,
Puducherry.
- 2.The Deputy Collector (Revenue) South,
Villianur, Puducherry.
- 3.The Sub Registrar (SRO),
Bahour, Puducherry.

+1cc to Mr.R.Thiagarajan, Advocate SR.No.26338
+1cc to Spl Government Pleader for Puducherry SR.No.26498

W.P.No.1729 of 2018

GN(25/04/2018)

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