



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD) No.10120 of 2014

Ubayadhulla

... Petitioner

Vs.

The Sub Registrar,
Office of the District Registrar,
Pudukottai.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus thereby directing the respondent to release the sale deed dated 14.08.2013 pending in P.No.P.201300103 executed by Rani Rama Devi R.Thondaiman in favour of the petitioner at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mr.M.Rajarajan
Government Advocate

ORDER

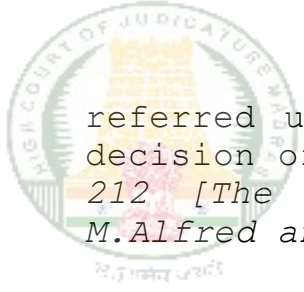
This writ petition has been filed seeking direction to release the document registered in P.No.P.201300103 on the file of the Sub Registrar, Pudukottai/respondent herein.

2.According to the petitioner, he has purchased the property comprised in S.F.No.387/2E, to an extent of 2 acre 75 cents, Mullur Village, Pudukottai Taluk from one Rani Rama Devi R.Thondaiman and presented the documents before the respondent on 14.08.2013 for registration. The respondent has also registered the same, but, refused to return the documents. Hence, this writ petition has been filed.

3.The respondent has filed a counter affidavit stating that the document has been insufficiently stamped. Hence, after registering the document, it was referred to the Special Deputy Collector (stamps) under Section 47(A) of the Indian Stamp Act, 1899 and now the matter is pending with the Special Deputy

<https://hccivilsecreto.org.in/secretary> .

4.Considering the fact that already the document has been



referred under Section 47(A) of the said Act, as per the recent decision of a Division Bench of this Court reported in 2017 5 L.W. 212 [The Special Deputy Collector (Stamps), Palayamkottai Vs. M.Alfred and others, the document cannot be returned.

5.Since the matter is pending with the Special Deputy Collector (stamps), Trichirapalli, the Special Deputy Collector (Stamps), Trichirapalli is directed to conduct enquiry and pass orders after giving notice to the petitioner.

6.With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Sub Registrar,
Office of the District Registrar,
Pudukottai.

2. The Special Deputy Collector (Stamps),
Trichirapalli.

+ 1 cc TO Mr.P.Ganapathi Subramanian , Advocate in SR No. 48878
+ 1 cc TO The Special Government Pleader in SR No. 48530

mj

AE/SKN RSK/SAR3/26.02.2018/2P/5C

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