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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 13.03.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.A(MD)No.467 of 2015
and
M.P(MD)No.1 of 2015

1.The Joint II Sub Registrar,
Office of Joint Office of Registrar,
Near Bus Stand,
Tuticorin.

2.The District Registrar,
Tuticorin District.

3.The Special Deputy Collector (Stamps),
Office of Special Deputy Collector for stamps,
Collector office compound,
Korampallam, Tuticorin,
Turicorin District.

: Appellants

Vs.

V.S.Valasundaram

: Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent,
to set aside the order dated 23.12.2014 in W.P(MD).No.3776 of 2012.

Prayer in WP(MD). 3776/ 2012 :

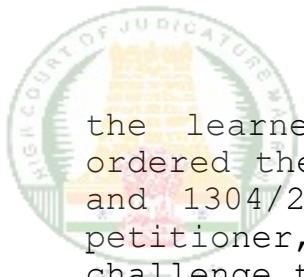
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS or any other appropriate Writ or Direction or order in the nature of Writ directing the Respondents to Return the two Sale Deeds in Document No.1106 of 2008 and Document No.1304 of 2009 respectively now pending in the office of the 1st Respondent at Tuticorin without any demand of higher stamp duty. [(*) Prayer amended as per order dt.16.12.14 in MP.1/14].

For Appellants : Mr.A.K.Baskarapandian
For Respondent : Mr.M.Kamalanathan

JUDGMENT

[Judgment of the Court was delivered by M.SATHYANARAYANAN, J.]

The official respondents are the appellants and they made a challenge to the order dated 23.12.2014 in W.P.(MD)No.3776 of 2012 filed by the respondent, in and by which, the value adopted in respect of two sale deeds was found to be arbitrary and therefore,



the learned Single Judge vide impugned order dated 23.12.2014, ordered the return of two sale deeds bearing Document Nos.1106/2008 and 1304/2009, in accordance with law to the respondent / writ petitioner, without any demand for higher stamp duty and making a challenge to the said order, the present writ appeal is filed.

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2.The learned Special Government Pleader appearing for the appellants would point out that though the writ petition is filed for a Writ of Mandamus for return of the two sale deeds bearing Document Nos.1106/2008 and 1304/2009, the learned Judge has gone beyond the scope of the writ petition and set aside the value adopted as arbitrary overlooking the fact that pendency of the writ petition, the third respondent has passed two orders on 23.07.2012, fixing the deficit stamp rupees at Rs.45,776 and Rs.32,336/- and though an effective alternate remedy is provided, the first respondent / writ petitioner was not directed to avail the said remedy and hence, prays for interference.

3.Per contra, the learned Counsel appearing for the respondent has drawn the attention of this Court to the counter affidavit filed by the respondents in the writ petition and would submit that the learned Judge after going through the materials placed before this Court has rightly reached the conclusion to set aside the value and rightly ordered the return of documents.

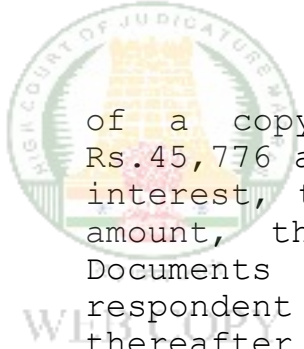
4.This Court has considered the rival submissions and also perused the materials placed before it.

5.During the course of arguments, it was pointed out by the learned Special Government Pleader, appearing for the appellants that pendency of the writ petition, the third appellant herein has passed the impugned proceedings dated 23.07.2012 and the remedy open to him was to make a challenge to the said orders in the form of appeals before the Inspector General of Registration, Chennai or in the alternative, the orders are to be set aside by enable the respondent / writ petitioner to go for the amendment of the prayer seeking quashment of the above cited orders.

6.The learned Counsel appearing for the respondent on instructions would submit that since the litigation is going on for quite a long time and in order to give a quietus, he is willing to pay the deficit stamp duty within a period of one month and seeks time to pay the same by directing the appellants to release the two documents.

7.The Court heard the submission of Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the appellants also.

8.In the light of the above submission and facts and circumstances, the writ appeal is disposed of and the respondent / writ petitioner is granted thirty days time from the date of receipt



of a copy of this order to pay the deficit stamp duty of Rs.45,776 and Rs.32,336/-, in respect of the two sale deeds, without interest, to the third appellant herein and on receipt of the said amount, the appellants are directed to release the registered Documents bearing Nos.1106/2008 and 1304/2009, to the respondent / writ petitioner within a period of two weeks thereafter.

9.In the result, the Writ Appeal stands disposed of, accordingly. However, in the circumstances of the case there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

+1cc to M/S.M.Kamalanathan, Advocate SR.No. 54972
+1cc to Special Government Pleader, SR.No. 55540

JUDGMENT MADE IN
W.A(MD) No.467 of 2015
13.03.2018

MR
JM/RSK/SAR 2/20.03.2018/3P/3C