



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM:

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THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.(MD)No.7335 of 2019 and
W.P.(MD)No.23366 of 2018

M/s.Kanam Latex Industries Private Ltd.,
Oopoottil Building,
K.K.Road, Kottayam-686001,
Kerala State and Administrative Office at
No.13/1-423, M.S.Road,
Parvathipuram, Nagercoil-3,
represented by its Administrative Officer,
J.Joss Ebenezer

... Petitioner in both writ petitions

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.

2.The Special Tahsildar (Stamps),
District Registrar Office,
Nagercoil, Kanyakumari District.

3.The Sub Registrar,
Rajakkamangalam,
Nagercoil, Kanyakumari District.

4.The Special Deputy Collector (Stamps),
Collector Office,
Tirunelveli.

... Respondents in both writ petitions

PRAYER in W.P.(MD)No.7335 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to return the Document No.1469/2014 to the petitioner.

PRAYER in W.P.(MD)No.23366 of 2018: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the appeals dated 19/02/2018 within a time stipulated by this Court.



For Petitioner

: Mr.T.Selvakumaran

For Respondents

: Mr.M.Murugan
Government Advocate

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COMMON ORDER

The petitioner submitted a corrigendum deed dated 06.06.2014 before the Sub Registrar, Rajakkamangalam. The Registering Authority has referred the matter under Section 47A of the Stamp Act. The Special Deputy Collector(Stamps), Tirunelveli passed an order adverse to the writ petitioner. Questioning the same, the petitioner has filed an appeal before the Inspector General of Registration. The petitioner wants the appeal pending before the Inspector General of Registration to be disposed of. This is the prayer made in W.P.(MD)No.23366 of 2018.

2.No exception can be taken to the said request. The Inspector General of Registration is directed to dispose of the writ petitioner's appeal on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order. W.P.(MD)No.23366 of 2018 is allowed.

3.The petitioner wants the correction deed dated 06.06.2014 to be returned in the meanwhile. The Hon'ble Division Bench of this Court in W.A.(MD)No.1176 of 2017 etc., batch, in the case of *The Special Deputy Collector (Stamps), Palayamkottai and other Vs. M.Alfred* has held that when Section 47A proceedings are pending, the document cannot be returned.

4.Therefore, I am not in a position to grant any relief in W.P.(MD)No.7335 of 2019. The said writ petition is dismissed. The petitioner's right to get the document back will depend on the outcome of the proceedings pending under Section 47A of the Stamp Act. No costs.

Sd/-

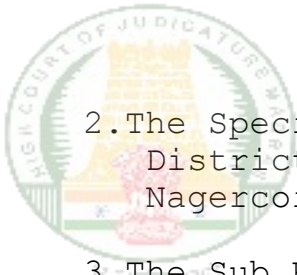
Assistant Registrar (AD-II)

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Sub Assistant Registrar(CS)

To

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-28.



2.The Special Tahsildar (Stamps),
District Registrar Office,
Nagercoil, Kanyakumari District.

3.The Sub Registrar,
Rajakkamangalam,
Nagercoil, Kanyakumari District.

4.The Special Deputy Collector (Stamps),
Collector Office,
Tirunelveli.

+1 CC to Mr.T.SELVAKUMARAN, Advocate SR-61926.

+1 CC to SPL GP SR-62069.

W.P. (MD) No.7335 of 2019 and
W.P. (MD) No.23366 of 2018
22.04.2019

CS: (08/07/2019) 3P 7C