



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.25632 OF 2021

AND

W.M.P.NO.27064 OF 2021

T.R.Dhanalakshmi

...Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 024.

2.The Special Duty Collector,
(Stamp Duty) Collector Office Campus,
Salem - 3.

3.The Sub Registrar,
Royakottai,
Krishnagiri District.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to handover the original sale deed dated 13.02.1992 bearing document No.125 of 1992 on the file of the third respective forthwith to the petitioner.

For Petitioner : Mr.P. Valliappan

For R1 & R3 : Mr.Yogesh Kannadasan
Special Government Pleader

For R2 : Mr.S.Rajesh
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to handover the original sale deed dated 13.02.1992 bearing document No.125 of 1992 on the file of the third respondent forthwith to the petitioner.

2. Heard, Mr.P.Valliappan, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 & 3 and Mr.S.Rajesh,



learned Additional Government Pleader appearing for the second respondent.

3. The petitioner purchased the property comprised in survey No.409, admeasuring to an extent of 33 acres situated at Nellore Village, Krishnagiri District and presented the sale deed for registration on 13.02.1992. It was registered as document No.125 of 1992 on the file of the third respondent and the petitioner is directed to pay deficit stamp duty of Rs.1,71,000/- (Rupees one lakh seventy one thousand only) on the ground that the document was undervalued and referred the same before the second respondent. The second respondent inspected the land, fixed the land value at Rs.8,000/- per acre and fixed the value of the property at Rs.2,64,000/- and also directed the petitioner to pay the differential stamp duty of Rs.26,680/- When the petitioner approached the second respondent and expressed his willingness to pay the differential stamp duty, the original document was misplaced in the office of the second respondent.

4. Therefore, the petitioner approached this Court in W.P.No.12039 of 2006 and this Court, by an order dated 13.02.1992, disposed of the writ petition with a direction, "if the petitioner agrees to pay the deficit amount of stamp duty, the Sub Registrar concerned shall receive the amount and release the document accordingly, without any endorsement". Thereafter, the petitioner did not pay any stamp duty even till today. However, by the communication dated 05.10.2021, the second respondent directed the third respondent to send a copy of the document No.125/1992, since the original sale deed has been misplaced and mingle with other records along with report under Section 47(A)1.

5. Considering the above, the third respondent is directed to send a copy of the sale deed registered as document no.125/1992 and the copy of the proceedings initiated under Section 47(A)1 of the Indian Stamp Act forthwith to the second respondent. On receipt of the same, the petitioner is directed to pay the deficit stamp duty with interest on demand made by the second respondent and on such payment the third respondent is directed to release the sale deed.

6. With the above direction, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

Lpp



To

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 024.

2.The Special Duty Collector,
(Stamp Duty) Collector Office Campus,
Salem - 3.

3.The Sub Registrar,
Royakottai,
Krishnagiri District.

+1cc to M/s.P.Valliappan, Advocate SR.No.63152

+1cc to the Government Pleader SR.No.63809 & 63522

W.P.No.25632 of 2021

SJ(CO)
RVM(16/12/2021)