



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.01.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD) No.576 of 2021

and

W.M.P. (MD) Nos.494 & 495 of 2021

S.Ramachandran

.. Petitioner

Vs

1.The Special Deputy Collector (Stamps),
Trichy.

2.The Joint Sub Registrar-II,
O/o. the Joint Sub Registrar Office,
Pudhukottai,
Pudhukottai District.

.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings passed by the 2nd respondent in Na.Ka.No.B5/2016 dated 04.04.2019 and quash the same as illegal and consequently direct the 2nd respondent to release the cancellation deed dated 28.09.2015 within the period that may be stipulated by this Court.

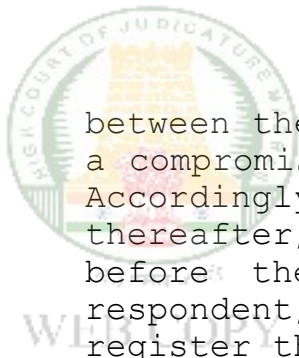
For Petitioner : Mr.M.E.Elango

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This Writ Petition is challenging the proceedings of the 2nd respondent, dated 04.04.2019, refusing to release the cancellation deed, dated 28.09.2015.

2.According to the petitioner, he had purchased the subject property through a sale deed, dated 15.04.2015. The sale deed was presented before the 2nd respondent for registration and it was duly registered as Document No.1931 of 2015. However, the document, after registration, was referred to proceedings under Section 47 (A) of the Indian Stamp Act, 1899. In furtherance of the same, the 1st respondent had also sent Form-I notice to the petitioner, demanding deficit stamp duty of Rs.89,46,715/-. The petitioner appears to have responded to the demand notice and according to him, there was no further action thereafter. In the meanwhile, there was a dispute



between the petitioner and his seller and it ultimately entered into a compromise and both of them have decided to cancel the sale deed. Accordingly, the seller had repaid the sale consideration and thereafter, the cancellation deed, dated 28.09.2015 was presented before the 2nd respondent for registration. However, the 2nd respondent, by his proceedings dated 30.09.2015, had refused to register the cancellation deed without any application of mind.

3. In the said circumstances, the petitioner filed a writ petition in W.P.(MD) No.23139 of 2019 before this Court and this Court, by order dated 22.12.2015, granted an interim direction to the respondents to register and release the cancellation deed, dated 28.09.2015. The direction of this Court is under:-

"10. Hence, a direction is issued to the 2nd respondent to register the cancellation deed that was presented before the 2nd respondent on 28.09.2015.

11. At this juncture, the learned Government Advocate has submitted that the cancellation deed shall not be released to the parties, until further orders, since in the case of 47 (A) proceedings, whenever a learned Judge passed an order issuing a direction to release the document pending 47 (A) adjudication proceedings, the Hon'ble Division Bench has stayed in all those matters. Hence, I make it clear that the return of the cancellation deed would be subject to further orders to be passed by this Court and the registered cancellation deed could be withheld as stated above."

4. As against the above order, Writ Appeal in W.A.(MD) No.238 of 2016 was filed by the respondents before this Court and the same was dismissed by the Hon'ble Division Bench of this Court on 01.03.2016. Even thereafter, the cancellation deed was not released to the petitioner, hence, the petitioner is before this Court.

5. This Court is unable to appreciate as to how the impugned order could be successfully questioned by the petitioner for the reason that the learned Judge of this Court, has clearly held that in view of the interim order of the Division Bench of this Court that the release of the cancellation deed shall be subject to the further orders to be passed by this Court and the registered cancellation deed could be withheld. The 2nd respondent, who passed the impugned order, rejecting the request of the petitioner for releasing the cancellation deed, has precisely incorporated the said direction and in the face of such decision by the 2nd respondent, which was entirely on the basis of the ruling of this Court, this Court cannot grant any relief to the petitioner in the face of the interim orders already holding the field in the subject matter.



6. Therefore, this Court finds that this writ petition is devoid of merits and hence, it is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar (CS)

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To

1. The Special Deputy Collector (Stamps),
Trichy.

2. The Joint Sub Registrar-II,
O/o. the Joint Sub Registrar Office,
Pudhukottai,
Pudhukottai District.

+1 CC to SPL GP (SR-1605[F] dated 21/01/2021)

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VB (08.02.2021) 3P 4C