



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10158 of 2021

Poochi

... Petitioner

Vs.

1. The Chief Controlling Revenue Authority,
cum Inspector General of Registration,
No.102, Santhome High Road, Chennai-600 028.

2. The Special Deputy Collector (Stamps),
Virudhunagar District, Virudhunagar.

3. The District Registrar,
Sivagangai District, Sivagangai.

4. The Sub Registrar,
Madagupatti,
Sivagangai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to release the sale deed dated 30.11.2018, registered as Document No.1713 of 2018, on the file of the fourth respondent by considering the petitioner's representation dated 28.04.2021.

For Petitioner : Mr.P.Mani Anandh

For Respondents : Mr.M.Lingadurai
Government Advocate (Civil)

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the fourth respondent to consider the representation made by the petitioner on 28.04.2021 and to release the document registered as Document No.1713 of 2018.

2. The case of the petitioner is that two sale deeds were presented for registration before the fourth respondent. Only one sale deed in Document No.1714 of 2018, was released and the other sale deed was referred to the second respondent under Section 47 (A) (1) of the Indian Stamp Act, 1899, on the ground that the property has been undervalued. The further case of the petitioner is that the second respondent through proceedings, dated 04.02.2019, has already intimated the value of the property and directed the petitioner to pay the differential stamp duty. Admittedly, the



petitioner has not paid the amount demanded by the second respondent.

3. In the meantime, the petitioner has made a representation to the fourth respondent to release the document and since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.P.Mani Anandh, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate (Civil) appearing for the respondents.

5. In the considered view of this Court, a document which has been referred under Section 47 A of the Indian Stamp Act, 1899, on the ground of under valuation cannot be released by the Registering Authority. A Division Bench of this Court in the case of **Special Deputy Collector (Stamps), Palayamkottai, Tirunelveli District and another Vs. Alfred and others** reported in **2017 (6) CTC 449** has categorically held that the Registering Authority becomes a *functus officio* after making the reference and thereafter, the Registering Authority cannot release the document. The Judgment of the Division Bench will squarely apply to the facts of the present case.

6. In view of the above, the relief sought for by the petitioner cannot be granted by this Court and no useful purpose will be served in directing the fourth respondent to consider the representation made by the petitioner, since the fourth respondent does not have the power or jurisdiction to release the document.

7. It is left open to the petitioner to pursue his remedy before the second respondent since it was brought to the notice of this Court that the petitioner has already given his reply to the second respondent and no final orders have been passed. If no final orders have been passed, the second respondent shall pass final orders within a period of four (04) weeks from the date of receipt of a copy of this order.

8. In the result, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg



NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Chief Controlling Revenue Authority,
cum Inspector General of Registration,
No.102, Santhome High Road, Chennai-600 028.
2. The Special Deputy Collector (Stamps),
Virudhunagar District, Virudhunagar.
3. The District Registrar,
Sivagangai District, Sivagangai.
4. The Sub Registrar,
Madagupatti,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-19536[F] dated 17/06/2021)

Order made in
W.P. (MD) .No.10158 of 2021
Dated : 16.06.2021

mj (CO)
TR(24.06.2021) 3P 6C