

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.96 of 2015

Nirmala Mulia

....

Appellant

M/s. M. R. Satapathy and associates, Advocates

-versus-

District Sub-Registrar, Cuttack

....

Respondent

Mr. Debakanta Mohanty, AGA

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

21.09.2022

Order No.

04

1. The challenge in the present writ appeal is to an order dated 6th February 2015, passed by the learned Single Judge disposing of the Appellant's W.P.(C) No.19077 of 2008.
2. The above writ petition had been filed by the present Appellant for a direction to the District Sub-Registrar, Cuttack to comply with an order dated 3rd November 2008 passed by the Civil Judge (Sr. Division) 1st Court, Cuttack in T.S. No.247 of 1998 to deliver the Registered Sale Deed (RSD) to the Vendee on proper acknowledgment.
3. As it transpires, the RSD was undervalued and proceedings was accordingly initiated against the present Appellant under Sections 27 and 47-A of the Indian Stamp Act.
4. The learned Single Judge while relegating the Appellant to the proceedings in Stamp Case No.789 of 2008 declined to grant relief as prayed for.

5. This Court has heard the submissions of learned counsel for the parties.

6. Learned counsel appearing for the Appellant relies on the decision of this Court in *M/s. Kukumina Constructions (P) Ltd., v. Sub-Registrar-cum-Stamp Collector, Khurda, 2010 (II) OLR-19* to urge that a stamped document cannot be withheld after it is registered for any purpose. The remedy for short payment of stamp duty is only that it could be recovered from the person, who presented the said document for registration.

7. The Court is not persuaded that the Appellant has been able to overcome the issue pointed out by the learned Single Judge viz., that the undervaluation of the RSD has resulted in Stamp Case No.789 of 2008, which has to be adjudicated before the Appellant can be permitted to collect the RSD.

8. Consequently, the Court is unable to find any error having been committed by the learned Single Judge in disposing of the writ petition filed by the present Appellant by way of impugned order dated 6th February, 2015. The writ appeal is accordingly dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge