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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.19246 of 2009

A.Raymond

...Petitioner

Vs.

1. Union of India,
Rep.by the Cheif Secretary to
Government of Union Territory of Puducherry,
Having Office at:
Goubert Avenue, Puducherry-605 001.
 2. The Secretary to Government of Union Territory of Puducherry,
Department of Revenue and Disaster Management,
Government of Puducherry,
Having Office at:
Goubert Avenue, Puducherry-605 001.
 3. The Additional Secretary (Revenue) cum Collector,
Department of Revenue and Disaster Management,
Government of Puducherry,
Having Office at:
Revenue Complex
Saram, Puducherry-605 013.
 4. The District Registrar,
Registration Department,
Government of Puducherry,
Having Office at:
The Office of the District Registrar,
Saram, Puducherry-605 013.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the third respondent relating to Memorandum No.10369/Rev-C3/2006 dated 05.08.2009 and quash the same in so far as petitioner is concerned and consequently direct the fourth respondent to issue suitable



orders to all Sub-Registrars of Puducherry/Karaikal/Mahe/Yanam regions to register the documents executed prior to 01.07.2009 in accordance with law without insisting the stamp papers should bear the names of the executants.

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For Petitioner : Mr.Babu Rangasamy

For Respondents : Mr.J.Kumaran
Additional Govt. Pleader (Pondicherry)

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for the records of the Memorandum No.10369/Rev-C3/2006 dated 05.08.2009 passed by the 3rd respondent and quash the same in so far as petitioner is concerned and consequently to direct the 4th respondent to issue suitable orders to register the documents executed prior to 01.07.2009 in accordance with law without insisting on the stamp papers bearing the names of the executants.

2. The learned counsel for the petitioner submitted that, though this writ petition is filed challenging the impugned order / memorandum contrary to the Pondicherry Stamps Rules, 1969. Further, he submitted that this Court may record the counter affidavit filed by the respondents, particularly in Paragraph No. 7 and 8 and close the writ petition in view of the same. The relevant paragraphs in the counter affidavit filed by the respondents is reads as follows:

7. I Submit that, despite this memorandum, it is open to the petitioner to get the instrument registered even if it was executed before 30/06/2009 at the pre-revised GLT value "If the stamp vendor, with his own hand had written on the face of every stamp paper which he sold, just below the stamp impression a serial number, the date of sale, the name and residence of the purchaser, and if the stamp was purchased for the use of any person other than person who tendered the money for it, the name and residence of such other person, the value of the stamp in full words and his own ordinary signature and made corresponding entries in the register kept by him.

8. I submit that, even though the Note below Rule 24(1) of Part-I and Rule 22(2) of Part-II of the Pondicherry Stamps Rules, 1969 permit use of stamp paper purchased in the name of another person as



contended by the petitioner, these Rules impose duty on the Ex-Officio as well as licensed vendors to maintain a Register and make entry of the details of the persons for whom it was purchased. Therefore, wherever it is established that the executants of the document is the bona fide purchaser of the stamp paper and his/her name has been entered in the Register maintained by the Stamp Vendors as required under the aforesaid Rules, Registration is not denied. The allegation of the petitioner is misconceived.

3. In view of the above averments made in the counter, this Court is inclined to close the Writ Petition, as the petitioner is entitled to benefit in terms of the Pondicherry Stamps Rules, 1969, as per the counter affidavit filed by the respondents.

4. This Writ petition is accordingly closed. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

Skt/Psa

To

1. Union of India,
Rep.by the Cheif Secretary to
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Having Office at:
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2. The Secretary to Government of Union Territory of Puducherry,
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3. The Additional Secretary (Revenue) cum Collector,
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Government of Puducherry,
Having Office at:
Revenue Complex
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4. The District Registrar,
Registration Department,
Government of Puducherry,
Having Office at:
The Office of the District Registrar,
Saram, Puducherry-605 013.

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+1cc to the Government Pleader(Puducherry), SR.No.10404

W.P. No.19246 of 2009

MT(CO)
CB(31/03/2022)