



W.P.No.35034 of 20--

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.10.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

W.P.No.35034 of 2016

R.Krishnamoorthy

...Petitioner

Versus

- 1.Inspector General of Registration,
Santhome High Road,
Santhome, Chennai – 600 028.
- 2.Special Deputy Collector (Stamps),
Namakkal and Dharmapuri District,
Salem – 636 001.
- 3.The Sub Registrar,
Sub Registrar Office,
Yercaud, Salem.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the first respondent by directing the third respondent to release Sale Deed dated 30.03.1995 bearing document No.226/1995 registered on the file of the third respondent.

For Petitioner : Mr.O.R.Santhanakrishnan

For Respondents : Mr.C.Kathiravan,
Special Government Pleader



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ORDER

The relief sought in this writ petition is to issue direction to the first respondent to direct the third respondent to release the registered Sale Deed dated 30.03.1995 bearing Document No.226/1995 on the file of third respondent.

2. The case of the petitioner is that he purchased a land comprised in Survey No.70/3 measuring to an extent of 0.41 cents situated at Yercaud Village, Yercaud Taluk from one Mrs.Alagumalai for a sale consideration of Rs.43,000/- vide Sale Deed dated 30.03.1995 which was registered as Document No.226 of 1995 on the file of third respondent. He paid a sum of Rs.5,160/- towards stamp duty. While so, the second respondent sent Form-1 Notice dated 01.07.1995 to the petitioner, alleging that the guide line value of the Document No.226 of 1995 is under valued to an extent of Rs.44,421.40/- since the guide line value of the said document is Rs.4,13,148/-. So, the stamp duty payable is Rs.44,421.40/-. After the receipt of said Form-I Notice, petitioner sent his reply to the second respondent vide letters dated 14.07.1995 and 13.03.2000 respectively,



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however, there was no response for the same. Hence, the petitioner sent a reminder dated 20.09.2002 to the second respondent. Thereafter, when the petitioner met the second respondent on 08.10.2002, he was asked to furnish stamp paper of the value of Rs.5 for obtaining a certified copy of the final order which was passed by the second respondent on 07.04.1998. After receiving a copy of the final order dated 07.04.1998 passed by the second respondent, the petitioner filed a statutory appeal before the Principal Sub Court, Salem on 25.11.2002. Since Stamp Act was amended, the learned Principal Sub Judge, Salem vide order dated 08.02.2008 dismissed the said appeal with liberty to present the same before the concerned authority. Hence, the petitioner filed an appeal before the first respondent on 25.07.2008.

2.1. On 11.11.2009, a communication was received by the petitioner from the office of first respondent that he had not enclosed the order dated 07.04.1998 passed by the second respondent and he has to seek redressal before the second respondent, in case, no final order has been passed and if he is not satisfied with the final order, he can file statutory appeal before the first respondent, within two months from the date of final order with Court



Fee of Rs.5 affixed on the grounds of appeal. Pursuant to the said communication, petitioner sent a communication dated 21.01.2010 to the first respondent stating that he has enclosed the final order of the second respondent along with appeal memo dated 25.07.2008 and further, requested the first respondent to consider his statutory appeal.

2.2. Thereafter, petitioner sent a petition dated 17.11.2015 to the Public Information Officer of Inspector General of Registration, Chennai-600 028 asking for proof of order dated 08.03.2010 and 28.11.2014. The Public Information Officer of Inspector General of Registration vide letter dated 08.12.2015, sent the copies of order dated 08.03.2010 and 28.11.2014 to the petitioner. However, the copies of said order were not received by the petitioner. Therefore, petitioner sent a requisition under RTI to Public Information Officer of Inspector General of Registration on 17.12.2015 regarding proof of service of the orders. The Public Information Officer of Inspector General of Registration vide communication dated 19.01.2016 stating that there is no proof of service and there is entry in the Register of Inspector General of Registration under Ref.52182/N2/2014 dated 28.11.2014 showing entry of letter which is said to have been



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dispatched. Since the third respondent has not yet released the registered

Sale Deed dated 30.03.1995, the aggrieved petitioner has filed the present

writ petition before this Court.

3. The learned counsel for the petitioner submitted that though the Sale Deed dated 30.03.1995 presented by the petitioner was registered as Document No.226 of 1995 on the file of third respondent, till date, the third respondent has not yet released the said Sale Deed. He further submitted that the second respondent initiated proceedings under Section 47A of the Indian Stamp Act, 1899 against the petitioner, aggrieved over the same, the petitioner preferred appeal before the first respondent, however, his appeal was rejected by the first respondent vide order dated 08.03.2010, but, the copy of the order passed by the first respondent rejecting the petitioner's appeal was not communicated to the petitioner. Therefore, the learned counsel prayed this Court to grant liberty to the petitioner to challenge the order dated 08.03.2010 passed by the first respondent before an appropriate Authority, in the manner known to law.

4. The learned Special Government Pleader appearing for the



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respondents submitted that he has no objection to such liberty being granted to the petitioner, by this Court.

5. Heard the learned counsel on either side and perused the materials placed before this Court.

6. In view of the above submissions made by the learned counsel on either side, this Court grants liberty to the petitioner to challenge the order of the first respondent, before an appropriate Authority, in the manner known to law. It is needless to state that while considering the case of the petitioner, the concerned Authority shall exclude the pendency period of this writ petition i.e., from 30.09.2016 to 27.10.2022, for the purpose of limitation.

7. With the above directions, this writ petition is disposed of. No costs.

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Index : Yes/No

Speaking Order (or) Non-Speaking Order



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M.DHANDAPANI, J.

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