



WEB COPY



W.P.No.27224 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27224 of 2022

Malathi

... Petitioner

Vs.

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.

2.The Special Deputy Collector (Stamps),
Office of Special Deputy Collector (Stamps),
Cuddalore.

3.The District Registrar,
Office of District Registrar,
Near Kallakurichi Bus Stand,
Salem Main Road,
Kallakurichi – 606 202.

4.The Office of Sub Registrar,
Joint – 2, Kallakurchi,
Near Kallakurichi Bus Stand,
Salem Main Road,
Kallakurichi – 606 202.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus directing the fourth respondents to release the registered sale deed, registered as documents no.4938/2021, dated 24.11.2021 presented for registration on 06.12.2021 on the file of Joint 2 – Sub Registrar, Kallakurichi, which is pending before fourth respondent to the petitioner.

For Petitioner : Mr.M.Sunil Kumar
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the fourth respondent to release the registered sale deed, registered as document no.4938/2021, dated 24.11.2021 presented for registration on 06.12.2021 on the file of Joint 2 – Sub Registrar, Kallakurichi, which is pending before fourth respondent to the petitioner.

2.The case of the petitioner is that the petitioner purchased a property and presented the sale deed for registration before the fourth respondent, however, till date the document was not released. Hence, this writ petition.



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3.The learned Additional Government Pleader appearing for the respondents submitted that since the petitioner did not pay the deficit stamp duty, the document was forwarded to the Special Deputy Collector (Stamps) on 07.12.2021 under Section 47 A(1) of the Indian Stamp Act and immediately after conclusion of the proceedings under Section 47 A of the Indian Stamp Act, the document will be decided in the manner known to law.

4.In response, the learned counsel appearing for the petitioner submitted that the petitioner has not received any Form I notice. Hence, this Court may issue direction to the second respondent to issue Form I notice to the petitioner, so as to enable the petitioner to participate in the proceedings under Section 47 A of the Indian Stamp Act.

5.Considering the limited request made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the second respondent to issue Form I notice to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. If such notice is received, the petitioner



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shall appear before the second respondent for enquiry and the second respondent is directed to conclude the proceedings under Section 47 A of the Indian Stamp Act, within a period of twelve weeks thereafter.

6.The writ petition is accordingly disposed of. No costs.

12.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

- 1.The Inspector General of Registration,
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100, Santhome High Road,
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Mandavelipakkam,
Raja Annamalai Puram,
Chennai – 600 028.
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Near Kallakurichi Bus Stand,
Salem Main Road,
Kallakurichi – 606 202.
- 4.The Office of Sub Registrar,
Joint – 2, Kallakurichi,
Near Kallakurichi Bus Stand,
Salem Main Road,

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Kallakurichi – 606 202.

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M.DHANDAPANI,J.
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