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W.P.No.28268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28268 of 2022

And

W.M.P.No.27568 of 2022

Ranvir R Shah

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome,
Chennai – 600 004.

2.The Deputy Inspector General of Registration,
Registration Department,
Santhome,
Chennai – 600 004.

3.The District Registrar – South,
Chennai.

4.The Sub – Registrar,
Sub – Registrar Office,
Thiruporur.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to forthwith release the registered release deed dated 12.03.2021 registered as Document No.4415 of 2021 executed by M/s.R.K.Textiles (India) rep.



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by Mr.Ajay Agarwal in favour of the petitioner herein without insisting for any payment of stamp duty or registration charges for the buildings which are standing in the land in Survey No.12, 13/1, 13/2 and 13/ 3 of Pudupakkam village as the buildings are not the subject matter of the release deed.

For Petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for M/s.AL.Ganthimathi

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents herein to forthwith release the registered release deed dated 12.03.2021 registered as Document No.4415 of 2021 executed by M/s.R.K.Textiles (India) rep. by Mr.Ajay Agarwal in favour of the petitioner herein without insisting for any payment of stamp duty or registration charges for the buildings which are standing in the land in Survey No.12, 13/1, 13/2 and 13/ 3 of Pudupakkam village as the buildings are not the subject matter of the release deed.



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2.The case of the petitioner is that the petitioner presented release deed dated 12.03.2021 for registration and the same was registered as Document No.4415 of 2021, however, the same has not yet been released in favour of the petitioner. Hence, this petition.

3.The learned Additional Government Pleader appearing for the respondents submitted that the fourth respondent has already forwarded Form-A notice dated 19.03.2021 to the District Revenue Officer (Stamps), Office of the Special Deputy Collector, Singaravelar Maaligai, Chennai – 600 001 for initiation of proceedings under Section 47 A of the Indian Stamp Act as against the petitioner.

4.In response, the learned Senior Counsel appearing for the petitioner submitted that the partner who owned the property released the land in favour of another partner who is the petitioner and no building is conveyed in the release deed, however, the respondents wrongly construed that building and land was conveyed to the petitioner and has forwarded Form-A notice dated 19.03.2021 to the District Revenue Officer (Stamps), for initiation of proceedings under Section 47 A of the Indian Stamp Act, which is not sustainable one and



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further submitted that initiation of proceedings under Section 47 A of the Indian Stamp Act is illegal and further submitted that even the fourth respondent has forwarded the above notice only in respect of land and not for building.

5.Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6.The facts in the present case is not in dispute. The petitioner is the beneficiary and the land is released in favour of him vide release deed dated 12.03.2021 registered as Document No.4415 of 2021. The grievance of the petitioner is that the land alone is released in favour of the petitioner and not the building, however, the respondents has forwarded Form-A notice dated 19.03.2021 to the District Revenue Officer (Stamps), for initiation of proceedings under Section 47 A of the Indian Stamp Act.

7.Since already the fourth respondent has forwarded Form-A notice dated 19.03.2021 to the District Revenue Officer (Stamps), for



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initiation of proceedings under Section 47 A of the Indian Stamp Act, this Court, without expressing any opinion on the merits of the case, directs the District Revenue Officer (Stamps), Office of the Special Deputy Collector, Singaravelar Maaligai, Chennai – 600 001, though the District Revenue Officer (Stamps) is not arrayed as a party in this writ petition, to conclude the proceedings under Section 47 A of the Indian Stamp Act, after issuing Form – I notice and providing opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

8.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

25.11.2022

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- Note:**
- (1) Registry is directed to issue order copy on 29.11.2022.
 - (2) Registry is further directed to mark a copy of this order to The District Revenue Officer (Stamps), Office of the Special Deputy Collector, Singaravelar Maaligai, Chennai – 600 001.

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

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M.DHANDAPANI,J.
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To

- 1.The Inspector General of Registration,
Santhome,
Chennai – 600 004.
- 2.The Deputy Inspector General of Registration,
Registration Department,
Santhome,
Chennai – 600 004.
- 3.The District Registrar – South,
Chennai.
- 4.The Sub – Registrar,
Sub – Registrar Office,
Thiruporur.
- 5.The District Revenue Officer (Stamps),
Office of the Special Deputy Collector,
Singaravelar Maaligai,
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