



WEB COPY



WP.No.31905 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.31905 of 2022

Arun Kumar

...

Petitioner

Vs

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Chennai-28.

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

3. The Joint-I Sub Registrar,
Kallakurichi.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 3rd respondent in his Registration Receipt No.1587/2022 dated 05.03.2022 and quash the same as arbitrary, illegal, against law and consequently, directing the 3rd respondent herein to release the registered sale deed, registered as document No.1039/2022 dated 05.05.2022 to the petitioner.



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For Petitioner : Mr. P.Dinesh Kumar
For Respondents : Mr. C.Kathiravan, SGP

ORDER

This writ petition is filed seeking to quash the order passed by the 3rd respondent in his Registration Receipt No.1587/2022 dated 05.03.2022 and consequently, directing the 3rd respondent herein to release the registered sale deed as document No.1039/2022 dated 05.05.2022 to the petitioner.

2. The case of the petitioner is that the petitioner has purchased a vacant plot an extent of 1090 sq. ft. in S.No.288/21 situated at Rajambal Nagar, Kallakurichi from his vendor and the same was registered vide sale deed document No.1039 of 2022 on the file of the 3rd respondent and the property was purchased for a valuable sale consideration for which a sum of Rs.2,29,820/- was paid for stamp duty and registration fees to the 3rd respondent and the same was registered as document No.1039/2022 dated 05.05.2022. However, the same was not released in favour of the petitioner and the third respondent has passed the impugned order dated 05.05.2022 on



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the ground that proceedings under Section 47 A(1) has been initiated for paying the deficit stamp duty in respect of the subject property.

3. The learned counsel for the petitioner submitted that this Court may issue a suitable direction to the third respondent to release the document to the petitioner within the time stipulated by this Court.

4. The learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner has paid the deficit stamp duty and therefore, the third respondent has initiated the proceedings under Section 47 A(1) of the Indian Stamp Act. After conclusion of the said proceedings, the document will be released to the petitioner.

5. Heard both sides and perused the materials available on records.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Spl. Government Pleader, this Court, without going into the merits of the case, direct the third



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respondent to conclude the 47 A proceedings after providing opportunity to the petitioner and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

30.11.2022

Rli

Index: Yes/No

Internet: Yes/No

Speaking/Non speaking

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road, Chennai-28.

2. The Special Deputy Collector (Stamps)
Office of the Special Deputy Collector (Stamps)
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M.DHANDAPANI, J.

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