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W.P.No.32140 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.32140 of 2022

and

WMP.No.31562 of 2022

B.Rajappa

...Petitioner

Vs.

1. The Special Deputy Collector (Stamps),
The Office of the Collectorate (V Floor),
M.Singaravelar Maligai,
Rajaji Salai, Chennai – 600 001.
2. The District Registrar,
O/o. District Registrar Chennai (Central),
No.182, Bharati Salai, (Pycrafts Road),
Royapettah, Chennai – 600 014.
3. The Sub-Registrar,
T. Nagar,
Chennai – 600 007.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to cancel the endorsement made in the sale deed dated 10.02.2000 registered as Doc.No.262 of 2000 on the file of the 3rd respondent and consequential remarks made in the encumbrance certificate relating to the property owned by the petitioner bearing Old Door No.14/28 corresponding to the New Door



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No.6, Govindu/Govindan Street, T. Nagar, Chennai – 600 017 forthwith.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mr.G.Krishna Raja, AGP

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ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the respondents to cancel the endorsement made in the sale deed dated 10.02.2000 registered as Doc.No.262 of 2000 and the consequential remarks made in the encumbrance certificate relating to the subject property.

2. Mr.G.Krishna Raja, learned Additional Government Pleader takes notice for the respondents. In view of the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he has purchased the property bearing Old Door.No.14/28, New Door No.6, Govindu/Govindan Street, Chennai from one C.V.Kumudavalli, vide registered Sale deed dated 10.02.2000 bearing Doc.No.262 of 2000 for a valid sale consideration. While so, the petitioner received a notice in Form No.1 in Ref.No.Th.Ka. No.97 of 2000 dated 10.04.2000 issued by the 1st respondent stating that



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the 3rd respondent referred the document under Section 47-A(1) of the Indian Stamp Act for determination of the market value of the subject property and called upon the petitioner to submit objections, if any. Upon receipt of the same, the petitioner made an objection dated 29.04.2000 and a representation dated 20.12.2000 stating the details of how the said C.V.Kumudavalli executed the sale deed in favour of the petitioner, which evoked no response. Subsequently, the 1st respondent, vide proceedings bearing Na.Ka.No.97/2000 dated 27.08.2001 issued notice to the petitioner to appear before him and accordingly, the petitioner appeared before the 1st respondent on 21.09.2001 and submitted the necessary documents to substantiate his contentions and sought for releasing the above said sale deed dated 10.02.2000. Despite the enquiry conducted by the officials on several dates and the repeated representations made by the petitioner, the document was not returned to the petitioner. Aggrieved by the inaction on the part of the respondents, the petitioner filed a Writ petition in W.P.No.22998 of 2001, challenging the order of the 1st respondent dated 10.04.2000 and the consequential notice dated 24.09.2001 and also for issuance of direction to the respondents to release the said sale deed and this Court, vide order dated 05.04.2002 allowed the same. Challenging the same,



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the respondents filed an Appeal in W.A.No.1552 of 2002 and the same was disposed of as infructuous on 29.01.2007. While so, despite the above said proceedings ended in favour of the petitioner, till date, the encumbrance certificate reflects as "As per the order of the Hon'ble High Court, Madras in W.P.No.22998 of 2001 dated 05.04.2002, a reference under Section 47A of the Indian Stamp Act read with Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules has been made and is pending with respect to undervaluation and assessment of stamp duty payable". Immediately, the petitioner made a representation dated 12.09.2022 before the respondents seeking to remove the endorsement made in the original sale deed and to remove the entry made in the encumbrance certificate and also sent a notice dated 02.11.2022 to the 2nd respondent, however, till date, no orders have been passed on the same. Hence, this Writ petition.

4. Though very many grounds have been raised, learned counsel for the petitioner submitted that it would suffice, if this court issues direction to the respondents to consider the petitioner's representation dated 12.09.2022 and to consequently remove the endorsement made in the original sale deed dated 10.02.2000 and delete the entry made in the encumbrance certificate



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Speaking Order : Yes/ No
Index : Yes/ No

To

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M.DHANDAPANI, J.

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