

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.6162 of 2023

U.Gunasekaran

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The Special Deputy Collector (Stamp Duty),
Office of the Special Deputy Collector,
District Collector Office (Old Building),
Tiruchirappalli.
3. The Sub Registrar,
Office of the Sub Registrar,
Mannachanallur,
Trichy.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to release the sale deed dated 19.12.2012 which is kept pending under Section 47(A) of the Stamp Act based on the petitioner's representation dated 08.03.2023.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.M.Prakash
Additional Government Pleader

O R D E R

This Writ Petition has been filed in the nature of mandamus seeking a direction to the second respondent to release the sale deed presented on 19.12.2012 before the third respondent and which is kept pending under Section 47(A) of the Indian Stamp Act, 1899. The petitioner had given a representation on 08.03.2023.

2. In the affidavit filed in support of the Writ Petition, the petitioner stated that the property in S.F.Nos.10/4, 10/5 and 10/6 in Peramangalam Village, Musiri Taluk, Trichy District totally measuring 2 Acre 26 Cents originally belonged to one Thangaraj who had purchased the same through sale deed, dated 18.07.1974. He then died on 01.05.2003. Thereafter, his legal representatives had executed a sale deed in respect of the aforementioned land in favour of the petitioner herein on 19.12.2012. The petitioner had paid the consideration to the vendors. He also paid Rs.35,200/- towards stamp duty. The third respondent, however, refused to

register the document and kept it pending under Section 47(A) of the Indian Stamp Act and directed the petitioner to pay a sum of Rs.9,67,065/- towards deficit stamp duty. The third respondent had come to the conclusion that the lands are residential plots. The contention of the petitioner is that the lands are agricultural lands.

3. The second respondent had directed the Special Tahsildar (Stamp Duty), Srirangam, to file a report. A report was also filed on 30.10.2014 wherein it had been stated that the lands are agricultural lands. It had been stated that the sale deed is kept pending. The petitioner had given a representation on 08.03.2023.

4. A direction is given to the second respondent to examine the representation given by the petitioner herein and dispose of the same within a period of twelve weeks from the date of receipt of a copy of this order after issuing notice to the petitioner and also after examining the revenue records and also the nature of the lands and also classification of the lands in the revenue records.

5. This Writ Petition stands disposed of. There shall be no order as to costs.

27.03.2023

NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

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