



W.P.(MD)No.11579 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.11578 and 11579 of 2016

and

W.M.P.(MD)No.8864 of 2016

W.P.(MD)No.11578 of 2016

1. K.V.P.Sadaiyandi
2. S.Vellammal
3. S.Ramesh
4. S.Magesh
5. S.Murugesh

... Petitioners

versus

1. The Special Deputy Collector (Stamps),
Virudhunagar District.
2. The District Registrar,
Virudhunagar District.
3. The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, to direct the



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respondents to release the original sale deed Document No.7506/2013 dated 21.06.2013 within the time fixed.

For Petitioners : Mr.H.Arumugam
For Respondents : Mr.M.Sarangan,
Additional Government Pleader

W.P.(MD)No.11579 of 2016

1. K.V.P.Sadaiyandi
2. S.Vellammal

... Petitioners

versus

1. The Special Deputy Collector (Stamps),
Virudhunagar District.

2. The District Registrar,
Virudhunagar District.

3. The Sub Registrar,
Srivilliputhur,
Virudhunagar District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.A1/2888/2015 dated 30.03.2016 and 10.05.2016 and quash the same.



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W.P.(MD)No.11579 of 2016

For Petitioners : Mr.H.Arumugam

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

COMMON ORDER

W.P.(MD)No.11578 of 2016 is filed seeking a direction to the respondents to release the original sale deed Document No.7506/2013 dated 21.06.2013 within a stipulated time.

2. W.P.(MD)No.11579 of 2016 is filed as against the order of the 2nd respondent in Na.Ka.No.A1/2888/2015 dated 30.03.2016 and 10.05.2016 and quash the same.

3. Today, when the matters are taken up for hearing, the learned Additional Government Pleader appearing for the respondents, on written instructions, submits that insofar as W.P.(MD)No.11578 of 2016 is concerned, the document sought for in this writ petition has already been returned to the petitioners after collecting the required



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registration fee on 07.08.2019 and therefore, the writ petition in W.P.

(MD)No.11578 of 2016 may be closed.

4. Recording the said submission, W.P.(MD)No.11578 of 2016 is closed.

5. Insofar as W.P.(MD)No.11579 of 2016 is concerned, the learned Additional Government Pleader submits that in the sale deed dated 21.06.2023, the petitioners have also made a statement that there was an oral agreement between the petitioners and a Company for lease of the property and therefore, the second respondent, by the impugned proceedings dated 30.03.2016 and 10.05.2016, called upon the petitioners to pay the necessary stamp duty on the lease that it cannot be maintained for more than one year without any registration.

6. The petitioners now claim that it is not an oral agreement however, it has been wrongly mentioned as oral agreement and they are



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having a registered document for the same, however, it has been inadvertently mentioned as oral agreement.

7. In view of the specific stand taken by the petitioners, W.P. (MD)No.11579 of 2016 is allowed and the impugned proceedings dated 30.03.2016 and 10.05.2016 are hereby set aside and the matter is remitted back to the second respondent for fresh consideration. The petitioners shall produce the relevant document before the second respondent. The second respondent shall take a decision within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.



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B.PUGALENDHI, J.

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To

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Virudhunagar District.
2. The District Registrar,
Virudhunagar District.
3. The Sub Registrar,
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Virudhunagar District.

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