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W.P. No.5179 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5179 of 2018

T.Jaganathan

... Petitioner

Vs.

1. The Sub Registrar
Kelamangalam
Krishnagiri District

2. M/s.J.R.S.Crusher
Represented by its Partner Jayanth
HIG-24/320, R.K.HUDCO
Rokakkottai Road,
Hosur - 635 109

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent herein to return the registered sale deed document No.2139/17 dated 16.06.2017, registered at the office of the 1st respondent and also suitable compensation for petitioner's sufferings.

For Petitioner	: Mr.B.Sundarapandiyam
For R1	: Mr.R.Neethi Perumal Government Advocate
For R2	: No Appearance



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ORDER

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This Writ Petition is filed seeking to issue a Writ of Mandamus directing the 1st respondent herein to return the registered sale deed in Document No.2139/17 dated 16.06.2017, registered at the office of the 1st respondent and also suitable compensation for petitioner's sufferings.

2. The case of the petitioner is that the petitioner purchased a property in S.No.354/1, Hosapuram Village from one Jayakanthan who executed a sale deed in Document No.2139/17 dated 16.06.2017 and after registration of the same, despite several visits made by the petitioner to the office of the 1st respondent, the document was not returned to the petitioner. Hence, the petitioner made a representation dated 09.01.2018 to the 1st respondent requesting to return the document. However, there was not response. Hence, the present Writ Petition is filed.

3. The learned Government Advocate appearing for the 1st respondent submitted that the subject land is an industrial land, whereas, the petitioner has registered the same as an ordinary land. Therefore, they



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have issued notice to the petitioner under Section 47A(1) of the Indian

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Stamp Act and the enquiry is pending.

4. Heard and perused the materials available on record.

5. It is seen that the notice was issued in the year 2018. Since the Special District Collector (Stamps), Salem-1, is the competent authority, he is suo motu impleaded as a 3rd respondent.

6. The newly impleaded respondent/Special District Collector (Stamps), Salem, is directed to issue a fresh notice to the petitioner under Section 47A(i) of the Act and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

18.03.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Special District Collector (Stamps)
Office of the District Collector
Salem-1

2. The Sub Registrar
Kelamangalam
Krishnagiri District



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P.VELMURUGAN. J.

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