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W.P. No.5480 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5480 of 2024

C.Vasantha

... Petitioner

Vs.

1. Inspector General of Registration

Santhome High Road

Chennai - 600 028

2. District Revenue Officer (Stamps)

Coimbatore

3. Joint Sub Registrar-II

Gobichettipalayam

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to return the original sale deed, dated 10.06.2009 and registered as document No.1021/2009, on the file of the Joint Sub Registrar, Gopichettipalayam, the 3rd respondent herein, that has been illegally retained by them without authority of law and against the provisions of the Registration Act and the Rules made therein and as against the direction issued in the order, dated 18.08.2017 made in C.M.A.No.3645 of 2013 on the file of this Court, within such time as may be prescribed by this Court.



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For Petitioner : Mr.R.Bharath Kumar
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the respondents herein to return the original sale deed, dated 10.06.2009 and registered as document No.1021/2009, on the file of the Joint Sub Registrar, Gopichettipalayam, the 3rd respondent herein, that has been illegally retained by them without authority of law and against the provisions of the Registration Act and the Rules made therein and as against the direction issued in the order dated 18.08.2017 made in C.M.A.No.3645 of 2013, on the file of this Court, within such time as may be prescribed by this Court.

2. The learned counsel for the petitioner submitted that the subject matter of properties were agricultural lands and the same were purchased by the petitioner along with her daughter from its owners, by way of sale



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deed dated 10.06.2009 and registered as Doc.No.1021 of 2009 on the file

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of the Joint Sub Registrar-II, Gobichettipalaym, for valuable sale consideration by totally valuing the entire extent including bore well, farmhouse, pathway right etc. at Rs.10 lakhs and paid a total stamp duty of Rs.80,000/- and after such purchase, they continued to use the subject lands as agricultural lands and the same were never converted into house sites at any point of time. While so, the 3rd respondent referred the said document to the 2nd respondent under Section 47A(1) of the Indian Stamp Act, 1899 as if, the purchasers undervalued the document in question. The 3rd respondent by treating the subject lands as Manai (House site), has arrived at a total valuation at Rs.61,59,200/- including the value of the bore well. Based on the said reference, the 2nd respondent issued a notice dated 21.08.2009 to the petitioner and called for objections. The petitioner sent a detailed objection for fixing the land value by treating them as sites without any reason. Though the subject lands were inspected by the Special Tahsildar (Stamps) (incharge), Gobichettipalaym and the 2nd



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respondent and who found that the said lands were being used for

cultivation, however, on mere presumption and assumption, they fixed the

guideline value at Rs.50/per square feet and arrived at a total value of the

said lands at Rs.50,03,400/- and subsequently, the 2nd respondent by his

proceedings dated 11.02.2010 in Mu.Pa.No.977/09, directed the petitioner

and her daughter to remit the deficit stamp duty. Aggrieved by the same,

the petitioner preferred a revision before the 1st respondent to set aside the

proceedings of the 2nd respondent. But the 1st respondent by his

proceedings in Pa.Mu.No.15030/N2/2010 dated 29.11.2012, confirmed

the order of the 2nd respondent. Challenging the same, the petitioner filed

a Civil Miscellaneous Appeal in C.M.A.No.3645 of 2013 before this Court

and this Court by order dated 18.08.2017, set aside the proceedings of the

2nd respondent on the technical ground of limitation and further directed

the 3rd respondent to return the sale deed after completing the registration

formalities. However, the 3rd respondent failed to return the sale deed till

date. Meanwhile, a portion of land was acquired by the Government for



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widening of roads and the authorities directed the petitioner to produce the original documents of title for getting compensation. Hence, the petitioner sent a registered letter dated 26.11.2018 to the 3rd respondent with a copy marked to the 2nd respondent, requesting them to return the sale deed. Since there was no response, the petitioner sent a legal notice on 27.06.2019. However, for the reasons best known to them, the respondents have not returned the sale deed dated 10.06.2009. Hence, the present Writ Petition is filed.

3. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents.

4. Heard and perused the materials available on record.

5. It is seen that the petitioner in his legal notice dated 27.06.2019, has clearly stated that he will initiate contempt proceedings for non compliance of the order of this Court dated 18.08.2017 and the particular portion is extracted as follows;



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22. In the forgoing reasons and circumstances, on behalf of my client, I hereby call upon you

(i) To return back the original sale deed dated 10.06.2009 and registered as document No.1021/2009 on the file of the Joint Sub-Registrar, Gopichettipalayam that has been illegally detained by you and without authority of law, within one week from the date of receipt of this legal notice.

(ii) To pay a sum of Rupees Five Lakhs for the loss caused to my clients on account of non-returning of the original sale deed dated 10.06.2009, without authority of law and.

(iii) To explain as to why my clients should not initiate contempt proceedings as against No.1 and 2 of you for your willful, wanton and deliberate non-compliance of the order, dated 18.08.2017 made in CMA No.3645/2013 on the file of the Hon'ble High Court, Madras, failing which, kindly take notice that my client will be forced to initiate appropriate legal proceedings in a court of law which course kindly avoid.

However, the petitioner has not initiated any contempt proceedings against the respondents for the violation of the order of this Court made in C.M.A.No.3645 of 2013 dated 18.08.2017. Now, after a period of three years from the date of issuance of the said legal notice, the petitioner has filed the present Writ Petition and she has not stated any reason as to why



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she has not taken any steps to file contempt petition even though this Court

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had given a clear direction to the respondents to return the document.

Therefore, this Court is not inclined to entertain this Writ Petition.

However, the petitioner is at liberty to work out her remedy in the manner

known to law.

6. Accordingly, this Writ Petition is dismissed. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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