



W.P.No.31630 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31630 of 2023

N.Sakunthala

... Petitioner

versus

1.The Joint Sub-Registrar -II,
(District Registrar Cadre),
Office of the Joint Sub-Registrar -II,
Old No.591, A/New No.410 A, Raja Street,
Coimbatore – 641 001.

2.The Sub-Registrar,
Vadavalli Sub-Registration Office,
24/4, 1st Cross Street, Arul Nagar,
Vadavalli, Coimbatore – 641 046.

3.The District Revenue Officer (Stamps) &
Special Additional Deputy Collector,
Office of the District Collector,
Coimbatore, Gopalapuram,
Coimbatore 641 018.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 3 to return the Original Sale Deed No.2738/1993 and the original Release Deed No.2474/2004, which have been retained by them for proceedings U/s 47-



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A(1) of the Indian Stamp Act, 1899 and subsequently, the Appellate Tribunal set aside the third respondent proceedings vide judgment dated 10.12.2012.

For Petitioners : Mr.R.Manimuthu
For Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by Mr.R.Vigneshwaran
Government Advocate

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus, directing respondents 1 to 3 to return the original Sale Deed No.2738/1993 and the original Release Deed No.2474/2004, which have been retained by them, for proceeding under Section 47-A(1) of the Indian Stamp Act, 1899 and subsequently, the Appellate Tribunal set aside the third respondent's proceedings, vide judgment dated 10.12.2012.

2. It is the case of the petitioner that she and her husband jointly purchased the property in question, vide Sale Deed dated 31.07.1993 registered as Doc.No.2738/1993 on the file of the Joint Sub-Registrar-II,

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Coimbatore. However, the first respondent had retained the above Sale Deed for verification with regard to payment of stamp duty. When the petitioner approached the first respondent for return of the said document, the first respondent informed that the Sale Deed was sent to the third respondent/District Revenue Officer (Stamps) for assessing the correct stamp duty on the instrument under Section 47-A(1) of the Indian Stamp Act, 1899. Thereafter, the Special Additional Deputy Collector (Stamps) Coimbatore passed an order dated 28.07.1998, directing the petitioner to pay a sum Rs.2,17,075/- as deficit stamp duty in respect of Doc.No.2738/1993. Challenging the same, the petitioner herein filed a writ petition in W.P.No.2171 of 2001 and this Court, by order 06.02.2001, disposed of the said writ petition and directed the petitioner to approach the appropriate authority. Challenging the same, the petitioner filed an appeal in C.M.A.No.25 of 2001 before the Stamps Appellate Tribunal, Additional Principal Subordinate Judge, Coimbatore, seeking to set aside the order passed by the third respondent. The learned Principal Subordinate Judge, Minor Inam and Appellate Authority, Coimbatore by judgment dated 10.12.2012 had allowed the said appeal. Subsequently, the petitioner approached the first respondent/Joint Sub-Registrar for return of the original



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documents. However, till date, the respondents have not returned the original Sale Deed and Release Deed and hence, the petitioner has filed the present writ petition.

3. When the matter was taken up for hearing on 03.01.2024, this Court directed the learned Principal Subordinate Judge Minor Inam and Appellate Authority, Coimbatore, to furnish Ex.C1 which was marked in C.M.A.No.25 of 2001, dated 10.12.2012, if the documents are with the Court records or otherwise, to send a report to this Court by Special Messenger on 11.01.2024 (today).

4. Today, when the matter is taken up for hearing, the said records (Ex.C-1) were sent through the Special Messenger along with the report. On a perusal of the records, this Court finds that Ex.C1 (which is the file containing pages 1 to 61 of the third respondent herein) was marked in C.M.A.No.25 of 2001, before the Appellate Authority and as of now, this Court directs the Registry to take back the said Ex.C-1, which shall be forward to Principal Subordinate Judge, Minor Inam and Appellate Authority, Coimbatore. Therefore, the respondents herein are directed to get

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back the document (Ex.C-1) from the Principal Subordinate Judge, Minor Inam and Appellate Authority, Coimbatore and also return back the same to the petitioner, if the petitioner is otherwise eligible and no other legal impediment. All such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

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

12.01.2024

Office to note:

Registry is directed to return back original documents (including Ex.C-1) to the Principal Subordinate Judge, Minor Inam and Appellate Authority, Coimbatore, forthwith.

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1. The Joint Sub-Registrar -II,
(District Registrar Cadre),
Office of the Joint Sub-Registrar -II,
Old No.591, A/New No.410 A, Raja Street,

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Coimbatore – 641 001.

2. The Sub-Registrar,
Vadavalli Sub-Registration Office,
24/4, 1st Cross Street, Arul Nagar,
Vadavalli, Coimbatore – 641 046.
3. The District Revenue Officer (Stamps) &
Special Additional Deputy Collector,
Office of the District Collector,
Coimbatore, Gopalapuram,
Coimbatore 641 018.
4. Principal Subordinate Judge, Minor Inam and Appellate Authority,
Coimbatore, forthwith.



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P.VELMURUGAN, J.

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