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W.P.No.38989 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38989 of 2024

and

W.M.P.No.42231 of 2024

1.N.D.Sukumar@Sukumaran
2.P.Subramaniam
3.M.Mangalasundaram

... Petitioners

Vs.

1.The District Revenue Officer (Stamps)
Coimbatore.

2.The Sub-Registrar
Joint-1 South Sub Registrar Office,
Coimbatore.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, Calling for the records of the 1st respondent pertaining to proceedings dated 08.08.2024 in Mu.Pa.No.137 of 2024 and quash the same and direct the respondents to return the Original Sale Deed registered as Document No.4732 of 2024 on the file of 2nd respondent.

For Petitioner : M/s.K.S.Karthik Raja



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For Respondents : M/s.B.Vijay, AGP
for R1 & R2.

ORDER

The Writ Petition has been filed for the following reliefs:-

"Calling for the records of the 1st respondent pertaining to proceedings dated 08.08.2024 in Mu.Pa.No.137 of 2024 and quash the same and direct the respondents to return the Original Sale Deed registered as Document No.4732 of 2024 on the file of 2nd respondent."

2. The petitioners had entered into a sale agreement with V.Venugopal and N.punithavally on 11.03.2006 for a total sale consideration of Rs.64,00,000/-. A sum of Rs.5,00,000/- was paid as advance by the petitioners. The time for execution of the sale deed was fixed as two months and the petitioners had to pay the balance sale consideration of Rs.59,00,000/- at the time of execution of the sale deed.

3. Despite the sincere efforts of the petitioners, the aforementioned landowners did not come forward to execute the sale deed



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and were attempting to alienate the property. Therefore, the petitioners had filed a suit O.S.No.165 of 2007 for specific performance against the said Venugopal and Punithavalli. The said suit was decreed and the balance sale consideration was paid by the petitioners.

4. Since the said Venugopal and Punithavalli did not come forward to execute the sale deed, the petitioners had filed an Execution Petition in E.P.No.25 of 2018. The said EP was allowed and the sale deed was registered as Doc. No.4372 of 2024 on the file of the 2nd respondent.

5. While so, the 1st respondent without returning the document, by his proceedings dated 08.08.2024 had called upon the petitioners to pay a sum of Rs.68,70,080/- as deficit stamp duty for the said document based on the current market value under Section 47 A(1) of the Indian Stamp Act. Therefore, the petitioners are before this Court.

6. Heard the learned counsel for the petitioner and the learned AGP accepting notice for respondents 1 and 2.



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7. It is informed by Mr.Vijay learned AGP appearing for the respondents that Section 47-A proceedings have been initiated. Therefore, taking note of the above, the Writ Petition is disposed of with a direction to the respondents to complete the enquiry within a period of 2 months from the date of receipt of a copy of this order. No costs.

21.12.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

1.The District Revenue Officer (Stamps)
Coimbatore.

2.The Sub-Registrar
Joint-1 South Sub Registrar Office,
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P.T. ASHA. J.,

(shr)

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