



W.A(MD) No.1110 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD) No.1110 of 2022

and

C.M.P.(MD)No.8787 of 2022

1.The Sub Registrar,
Kodaikanal Sub-Registrar Office,
Kodaikanal,
Dindigul District.

2.The District Registrar,
District Registrar Office,
Near Nagar Theatre,
Dindigul,
Dindigul District.

3.The District Collector /
Competent Authority to fix
the market value of the property,
Dindigul Collectorate,
Dindigul.

... Appellants / Respondents

Vs

A.Hemalatha

... Respondent / Petitioner



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 18.09.2014 made in W.P.(MD)No. 15577 of 2014 on the file of this Court.

For Appellants : Mr.N.Ramesh Arumugam
Government Advocate

For Respondent : no appearance

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned Government Advocate for the appellant department. There is no appearance on the side of the respondent.

2. The respondent herein filed W.P.(MD)No.15577 of 2014 for directing the registering authority to return the petition mentioned pending document after duly registering the same. The writ petition was disposed of by the learned single Judge vide order dated 18.09.2014 in the following terms:-

“4. The petitioner filed a suit in O.S.No.24 of 2013 on the file of the Principal District Court, Dindigul for enforcement of sale agreement and the same was decreed in favour of the petitioner. Subsequently, she filed a petition in E.P.No.293 of 2013 for



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execution of the sale deed on the basis of the civil Court decree. The learned Additional District Judge, Dindigul was pleased to execute the sale deed in favour of the petitioner. After registration, the first respondent refused to release the document, since the guideline value of the property is more than the value which is reflected in the sale deed. So far, the first respondent has not passed any order to return the sale deed. Hence, the petitioner made a representation to all the respondents. But, the same was not considered. Therefore, the petitioner approached this Court by way of a writ petition seeking for the aforementioned relief.

5. Admittedly, the first respondent has accepted the document for registration and entertained the same and retained it as pending Document No.P.13/2014. If the first respondent entertains a doubt as regards the valuation of the property as found in the said document, then it is open to the first respondent to make a reference under Section 47(A) of the Indian Stamp Act. However, that will not be a ground for retaining the document and refusing to return the same.

6. Accordingly, the writ petition is disposed of directing the first respondent to register and release the document and simultaneously refer the matter under Section 47(A) of the Act for ascertaining the correct market value of the property. The document shall be returned to the petitioner subject to the proceedings and fixation of the correct market value by the third respondent.”



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3. There has been a march of law. The Hon'ble Division Bench in the decision reported in 2017 (2) CWC 896 ([Special Deputy Collector \(Stamps\) vs. M.Alfred and others](#)) had held that during the pendency of the proceedings under Section 47A of the Stamp Act, the document cannot be returned. Therefore, the direction for return of the document has to be necessarily set aside. It is accordingly set aside.

4. The learned Additional Government Pleader informs the Court that the Special Deputy Collector (stamps), Madurai had passed an order dated 17.04.2015 directing the balance stamp duty payable by the writ petitioner. It is for the writ petitioner to work out his rights in the manner known to law. The Writ Appeal is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (M.J.R., J.)
13.03.2025

Index : Yes / No
Internet : Yes / No
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