

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.17090 of 2015

Smt. V.Indira

...Petitioner

-Vs-

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Pattinapakkam, Chennai - 600 028.

2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of
Registration,
Salem.

3.The District Registrar,
(Administration)
District Registrar Office,
Dharmapuri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd respondent namely the District Registrar, (Administration) District Registrar Officer, Dharmapuri, to consider the petitioner of the petitioner dated 15.04.2015 and take action against the parties to the partition release deeds dated 17.12.2012 and registered as Document Nos.4138 and 4139 of 2012 in the office of the Sub Registrar of Pappireddypatti, under Section 33-A of the Stamp Act within a time to be stipulated by this Court.

For Petitioner : Mr.V.Nicholas

For Respondents: Mr.R.M.Muthukumar,
Government Advocate.

ORDER

By consent, this Writ Petition itself is taken up for final disposal.

2. The petitioner would state that she was working as the Sub Registrar of Pappireddipatti, Dharmapuri District between 09.01.2012 and 31.03.2013 and thereafter, as the Manager (Sub Registrar Cadre) from 01.04.2013 to 30.09.2013 in the office of the District Registrar, Dharmapuri and she was superannuated on 30.09.2013. The

petitioner would state that during her tenure as the Sub Registrar of Pappireddipatti, two documents viz., partition release deeds dated 17.12.2012 came to be executed and during the audit inspection, it was found that the persons, who executed the above said release deeds would not come as family members under Article 58 of the Indian Stamp Act and hence, it was indicated that the stamp duty should have been collected under Article 55(c) (i) of the Indian Stamp Act and the loss of revenue was assessed at Rs.1,45,237/- in respect of document No.4138/2012. There was another audit and similar view was taken and loss of revenue was assessed at Rs.1,39,800 towards document No.4139/2012. The Superior Officials of the Registration Department has advised the Subordinate officials to take appropriate legal proceedings to recover the loss of revenue. Since the petitioner has to retire on 30.09.2014 and in order to retire peacefully, she has remitted a total sum of Rs.2,85,127/- towards Document Nos.4138 and 4139 of 2012 under protest and thereafter, submitted a representation to the 3rd respondent to recover the said amount from the executors/parties to the said documents and refund the same to her. Since the said representation has not been favoured with any response, a legal notice was also sent on 15.04.2015 and this also failed to invoke any kind of response, the petitioner came forward to file this writ petition.

3. Heard the submissions made by Mr.V.Nicholas, learned counsel for the petitioner and Mr.R.M.Muthukumar, learned Government Advocate, who accepts notice for the respondents.

4. Though the petitioner prays for the larger relief, this Court in the facts and circumstances, directs the 3rd respondent to consider and dispose of the petitioner's representation dated 15.04.2015 as well as the legal notice sent by her, after putting on notice the parties concerned and also give an opportunity of personal hearing to the petitioner as well as the parties concerned and pass orders in accordance with law as expeditiously as possible, not later than eight weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner as well as the persons concerned.

Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The Inspector General of Registration,
Office of the Inspector General of Registration,
Pattinapakkam, Chennai - 600 028.

2.The Deputy Inspector General of Registration,
Office of the Deputy Inspector General of
Registration,
Salem.

3.The District Registrar,
(Administration)
District Registrar Office,
Dharmapuri.

+1 cc to Mr.V.Nicholas, Advocate,SR.29399

+1 cc to Government Pleader,SR.29552.

Mg(co)
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