

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.5714 OF 2015
and M.P.No.1 OF 2015

1. R.Sivagamasundari
2. D.Lalitha

... Petitioners

Versus

1. The Inspector General of Registration,
New No.100, Old No.128,
Santhome High Road, Santhome,
Chennai - 600 004.
2. The Sub Registrar,
No.60, TNSCB Building,
J J Complex, 2nd Floor,
Jawaharlal Nehru Road, Anna Nagar,
Chennai - 600 040.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the second respondent herein to complete the registration of document being the Release Deed dated 20.10.2014 bearing P.No.175 of 2014 and release the same to the petitioners herein after making due endorsement of the Proceedings under Section 47A(1) of the Indian Stamp Act.

For Petitioners : Mr.M.P.Rajendran
for M/s.Swaraj Associates

For Respondents : Mr.R.Vijayakumar
Additional Govt. Pleader

O R D E R

Heard Mr.M.P.Rajendran, learned counsel appearing for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts notice for the respondents.

2. With the consent of either side, the writ petition is taken up for final disposal.

3. The petitioners have filed this writ petition praying for a direction upon the second respondent to complete the registration of document, Release Deed dated 20.10.2014, which is kept pending in P.No.175 of 2014 and to release the same to the petitioners after making due endorsement under Section 47A of the Indian Stamp Act, 1899.

4. It is seen that a notice has been issued to the petitioner on 30.01.2015 by the second respondent by exercising the power conferred under Section 40 of the Indian Stamp Act, 1899, by which, the petitioners have been called upon to show-cause within a period of fifteen days as to why the deficit stamp duty of Rs.7,21,000/- should not be collected from them. The petitioners have submitted reply on 09.02.2015 and the matter is pending before the authorities.

5. In the light of the above, without going into the merits of the petitioners' claim, there will be a direction to the second respondent to consider the petitioner's reply dated 09.02.2015 and to conduct an enquiry into the matter and if the explanation is satisfactory, the document shall be registered and released. On the other hand, if the second respondent is of the opinion that deficit stamp duty is payable, appropriate orders shall be passed on merits and in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

gg

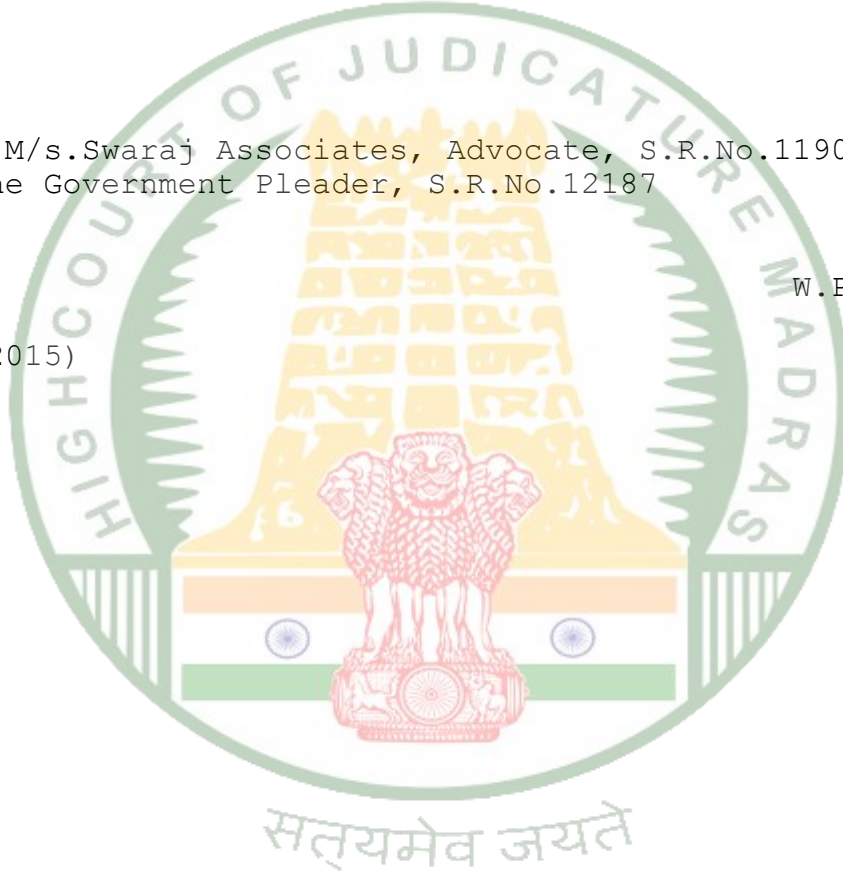
TO

1. The Inspector General of Registration,
New No.100, Old No.128,
Santhome High Road, Santhome,
Chennai - 600 004.
2. The Sub Registrar,
No.60, TNSCB Building,
J J Complex, 2nd Floor,
Jawaharlal Nehru Road, Anna Nagar,
Chennai - 600 040.

+2cc's to M/s.Swaraj Associates, Advocate, S.R.No.11904
+1cc to the Government Pleader, S.R.No.12187

TEJ(CO)
CA(12/03/2015)

W.P.NO.5714 OF 2015



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