IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.804 of 2015

Ayathur Sri Sundara Vinayagar Charitable Trust
rep. By its Trustee Mr.A.D.Chandrasekaran .. Petitioner

Vs.

1.The District Revenue Officer (Stamps)
Collector Office
5th Floor, Singaravelar Maligai
No.32, Rajaji Salai, Chennai 600 001.

2.The Sub Registrar
SRO Tiruvallur
Tiruvallur District. .. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus to direct the respondents to consider the petitioner's representation dated 21.11.2014, relating to release of gift deed in Document No.4806/2010 which was withheld, and to instruct the second respondent to number the Gift Deed registered on 24.5.2010, as Document No.4806/2010 and to release the copy of the deed and consequentally to direct the Ist respondent to return the balance amount by deducting the original stamp duty as per the exemptions given under section 62(e) of Schedule 1 of Indian Stamps Act from the amount already by the petitioner viz.Rs.32,000/-, within the time to be stipulated by this Court.

For Petitioner : Mr.S.Lakshmikanthan
for LKS Associates

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.Heard Mr.S.Lakshmikanthan, learned Counsel appearing for the petitioner and Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondents.

3.The petitioners seek for issuance of writ of mandamus to direct the respondents to consider their representation dated 21.11.2014, relating to release of gift deed in Document No.4806/2010 which was withheld, and to instruct the second respondent to number the Gift Deed registered on 24.5.2010, as Document No.4806/2010 and to release the balance amount by deducting the original stamp duty as per the exemptions given under section 62(e) of Schedule 1 of Indian Stamps Act from the amount already by the petitioner viz.Rs.32,000/-.

4.According to the petitioner, inspite of the document viz. Gift Deed having been registered as Document No.4806/2010, the second respondent has not released the said Deed till date. In this regard the petitioner submitted representations on 21.11.2014 and 04.12.2014 and has also places reliance on the decision of this Court in the case of LAKSHMI PRADEED AND ANOTHER v. THE INSPECTOR GENERAL OF REGISTRATION [2011-3-L.W.92].

5.Counter affidavit has been filed by the second respondent stating that already an order has been passed determining the difference in stamp duty.

6.If that being so, the petitioner should have been informed about the same. It is not known as to whether any enquiry was conducted after Form-I notice was issued to the petitioner on 30.08.2010.

7.In any event, the petitioner has submitted representations on 21.11.2014 and 04.12.2014. Therefore, the fourth respondent is directed to consider the petitioner's representations and pass appropriate orders on merits and in accordance with law, after conducting enquiry by considering the explanation offered, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpa

To

1.The District Revenue Officer (Stamps)
Collector Office
5th Floor, Singaravelar Maligai
No.32, Rajaji Salai, Chennai 600 001.

2.The Sub Registrar
SRO Tiruvallur
Tiruvallur District.

1 cc to M/s. LKS Associates,Advocate, SR.No.11629
1 cc to Government Pleader,Sr.No11562

W.P. No.804 of 2015

rsk(co)
pmk.18.3.2015