

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23551/2016

R.Karthikeyan

..

Petitioner

Versus

1.The Inspector General of Registration
No.100, Santhome High Road,
Chennai 600 028.

2.The District Registrar
Kancheepuram District
No.7, Nellukara Street
Periya Kancheepuram 631501.

3.The Sub Registrar
Tiruvallur, Tiruvallur Taluk & District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to dispose of the representation dated 26.12.2015 made by the petitioner for refund of the excess stamp duty and fee paid to an extent of Rs.3,05,850/-.

For Petitioner : Mr.K.Kulandaivelu

For Respondents : Mr.R.Vijayakumar, AGP

सत्यमेव जयते
ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner would state that he purchased the property situated in S.No.76, admeasuring to an extent of 1 acre and 24 cents, in S.No.74/2, admeasuring to an extent of 0.8 cents, S.No.74/3, admeasuring to an extent of 0.5 ½ cents and S.No.74/4, admeasuring to an extent of 0.02 cents, admeasuring a total extent of 1 acre and 39 ½ cents in Kizhanur Village, Tiruvallur Taluk and District vide registered Sale Deed bearing Document No.12866/2015 dated 18.11.2015, registered on the file of the Sub Registrar, Tiruvallur. According to the petitioner, at the time of registration of the said Sale Deed, the 3rd

respondent insisted that the transaction would amount to two separate conveyances and therefore, two sets of stamp duty are payable under Article 23 and the petitioner had paid the same. According to the petitioner, the matter in issue is squarely covered by a Division Bench Judgment of this Court dated 23.09.2015 made in WA.Nos.303 and 304 of 2015 & 474/2015 and in this regard, the petitioner has submitted a detailed representation to the 1st respondent praying for refund of excess of the stamp duty and the registration fee paid and though the said representation was received and acknowledged, no response is forthcoming and therefore, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that the 1st respondent on receipt of the representation, has addressed a letter dated 08.02.2016 to the 2nd respondent vide Letter B.No.57500/C2/2015, directing the 2nd respondent to take appropriate action and the 2nd respondent, in turn, had addressed a letter to the 3rd respondent dated 18.03.2016 vide Na.Ka.No.1489/Aa1/2016, to take appropriate action and inform the petitioner on or before 31.03.2016 and in spite of the it, no response is forthcoming from the 3rd respondent and hence, the petitioner is constrained to approach this Court by filing the present writ petition.

4 Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 3rd respondent to take note of the communication of the 2nd respondent dated 18.03.2016 made in Na.Ka.No.1489/Aa1/2016 and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition is disposed of with the above direction. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector General of Registration
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Chennai 600 028.

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3.The Sub Registrar
Tiruvallur, Tiruvallur Taluk & District.

+1 cc to Mr.Kulandaivelu Advocate sr.38274

+1 cc to Government Pleader sr.38534

WP.No.23551/2016

aa25/07/2016



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