

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24993/2016

E.V.Jothi

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Petitioner

Versus

- 1.The Inspector General of Registration,  
Santhome High Road, Chennai 600028.
- 2.The District Revenue Officer [Stamps]  
Collectorate Buildings, Chennai 600001.
- 3.The Sub Registrar of Anna Nagar  
Sub Registrar's office, Anna Nagar  
Chennai 600040.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents herein to permit the petitioner to present the Rectification Deed for registration at the Sub Registry of Anna Nagar [to rectify the defects noticed in the Sale Deed dated 03.01.2008 and registered as Document No.75/2008] by remitting [1]the necessary Stamp Duty and Registration Fees payable pursuant to the proceedings initiated u/s.47-A of Indian Stamps Act, in respect of the Principal Deed, viz., Sale Deed Document No.75/2008 and [2] the necessary stamp duty and registration fees payable for the Rectification Deed to be registered simultaneously.

For Petitioner : Mr.K.Doraisamy, Senior Counsel for  
M/s.Muthumani Doraisamy

For RR 1 to 3 : Mr.V.S.Ramesh,  
Government Advocate

ORDER

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

2 The petitioner has sought to register the Rectification Deed in respect of the previous document, viz., Sale Deed, bearing Document No.75/2008 registered on the file of the Sub Registrar, Anna Nagar and the 1<sup>st</sup> respondent, vide letter dated 02.04.2014 in No.57771/C2/2013, has informed the petitioner as follows:-

".....

The deficit stamp duty and Registration fee due to the Government is yet to be realised in respect of previous document No.75/2008. As per Hon'ble High Court order in WP.No.14699/2008, dated 24.06.2008, till the proceedings under section 47-A reaches finality and deficit is paid there will be a charge for the deficit stamp duty and that the writ petitioner shall not alienate the property till completion of the proceedings...."

3 The learned Senior counsel appearing for the petitioner would submit that now the petitioner is prepared to comply with the directions of the 1<sup>st</sup> respondent as per the above said communication dated 02.04.2014 and also submitted representations dated 14.09.2015 and 31.05.2016 in this regard to the respondents and since no orders have been passed, the petitioner came forward to file the present writ petition.

4 Heard the submissions of the learned Senior Counsel appearing for the petitioner and Mr.V.S.Ramesh, learned Government Advocate 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 facts and circumstances and without going into the merits of the same, directs the 1<sup>st</sup> respondent to consider and dispose of the petitioner's representations dated 14.09.2015 and 31.05.2016 in the light of the fact that the petitioner is willing to comply with the directions issued by the said official, vide communication dated 02.04.2014, in accordance with law and pass orders within a period of eight 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,  
Santhome High Road, Chennai 600028.
- 2.The District Revenue Officer [Stamps]  
Collectorate Buildings, Chennai 600001.
- 3.The Sub Registrar of Anna Nagar  
Sub Registrar's office, Anna Nagar  
Chennai 600040.

+1 cc to Mr.Muthumani Doraisami Sr.40568/16  
+1 cc to Government Pleader sr.40847/16

W.P.No.24993/2016

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