

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29541 of 2016

M/s.K.T.V.Health Food Private Limited,
Rep. by its Director,
Mr.B.Babu

... Petitioner

Vs.

1 The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2 The District Registrar,
Chennai North,
No.1, Murthygal Lane,
Chennai - 600 001.

3 The Sub Registrar,
Office of the Sub Registrar,
Royapuram,
Chennai - 600 001.

.... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the representation of the petitioner dated 28.4.2016 requesting the respondents to return back the excess Stamp Duty of approximately a sum of Rs.18,00,000/- (Eighteen Lakhs only) collected from this petitioner in registering the Document No.3514/2014, dated 05.11.2014, registered on 11.11.2014, on the file of the SRO, Royapuram, Chennai-1/3rd respondent herein.

For Petitioner : Mr.M.Aravind Subramaniam
For Respondents : Mr.A.N.Thambidurai
Special Government Pleader

O R D E R

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

2.The petitioner became highest and successful bidder in respect of the landed property admeasuring to an extent of 13 grounds and 1448.80 sq.ft. with superstructure bearing Old Door Nos.1, 2 and 3, New Door No.1, Suryanarayana Street, Tondiarpet Village, Chennai District, Tamil Nadu comprised in Old R.S.No.4061, New R.S.Nos.4061/A and 4061/2 of Tondiarpet Village and he was issued with Sale Certificate for having paid the total sale consideration of Rs.9 Crores.

3.The grievance expressed by the petitioner is that at the time of registration, though the Stamp duty is leviable at the rate of 5%, 7% Stamp Duty was paid and the petitioner was compelled to pay the same for the purpose of registering the document and accordingly, the Sale Certificate was registered as document no.3514/2014 on 11.11.2014 by the third respondent. The petitioner after registration of the document, has submitted representations dated 28.04.2016 and 19.07.2016 to the respondents praying for refund of the excess Stamp Duty collected and since no response is forthcoming, came forward to file this writ petition.

4.Heard the submissions of Mr.M.Aravind Subramaniam, learned counsel appearing for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

5.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the second respondent to consider and dispose of the petitioner's representations dated 28.04.2016 and 19.07.2016, in accordance with law, 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 accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

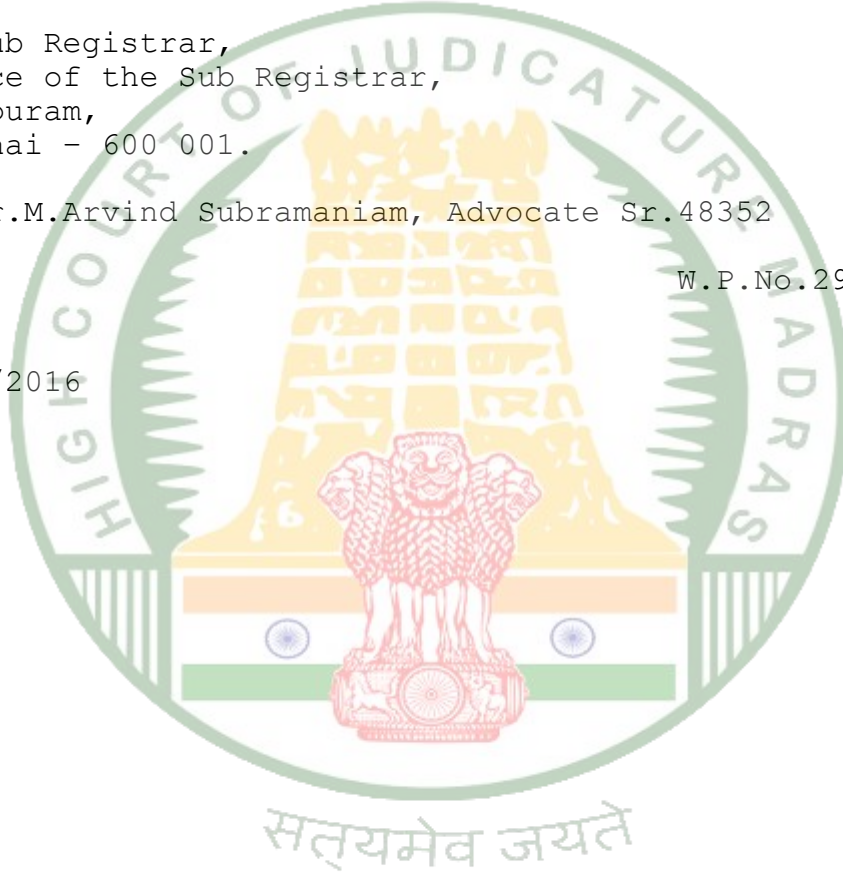
To

- 1 The Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.
- 2 The District Registrar,
Chennai North,
No.1, Murthygal Lane,
Chennai - 600 001.
- 3 The Sub Registrar,
Office of the Sub Registrar,
Royapuram,
Chennai - 600 001.

+1cc to Mr.M.Arvind Subramaniam, Advocate Sr.48352

W.P.No.29541 of 2016

pa[co]
srg 07/09/2016



WEB COPY