

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29542 of 2016

1.Mr.S.Durai Babu

2.Mrs.K.T.V.Padmavathy

... Petitioners

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 Joint Registrar,
Chennai North,
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 20.4.2016 requesting the respondents to return back the excess Stamp Duty of approximately a sum of Rs.3,00,000/- (Three Lakhs only) collected from this petitioner in registering the Document No.292/2013, dated 07.02.2013, registered on 23.03.2013, on the file of the Joint Registrar, Chennai North, Chennai-1/3rd respondent herein.

For Petitioners : 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 petitioners became the highest and successful bidders in respect of the land and building admeasuring to an extent of 1551Sq.ft. in Old No.15, New No.29, Thambu Chetty Street, George Town, Chennai 600 001 through an e-auction sale conducted by United Commercial Bank (UCO Bank) for sale consideration of Rs.1,50,00,000/- and they were issued with Sale Certificate and when they presented it for registration, though the Stamp Duty leviabale is 5%, Stamp Duty at the rate of 7% was collected and they paid the same and the Sale Certificate got registered as document no.292/2013 on 23.03.2013 on the file of the third respondent. The petitioners after registration of the document, has submitted representations dated 20.04.2016 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.

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

4.Though the petitioners 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.

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

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

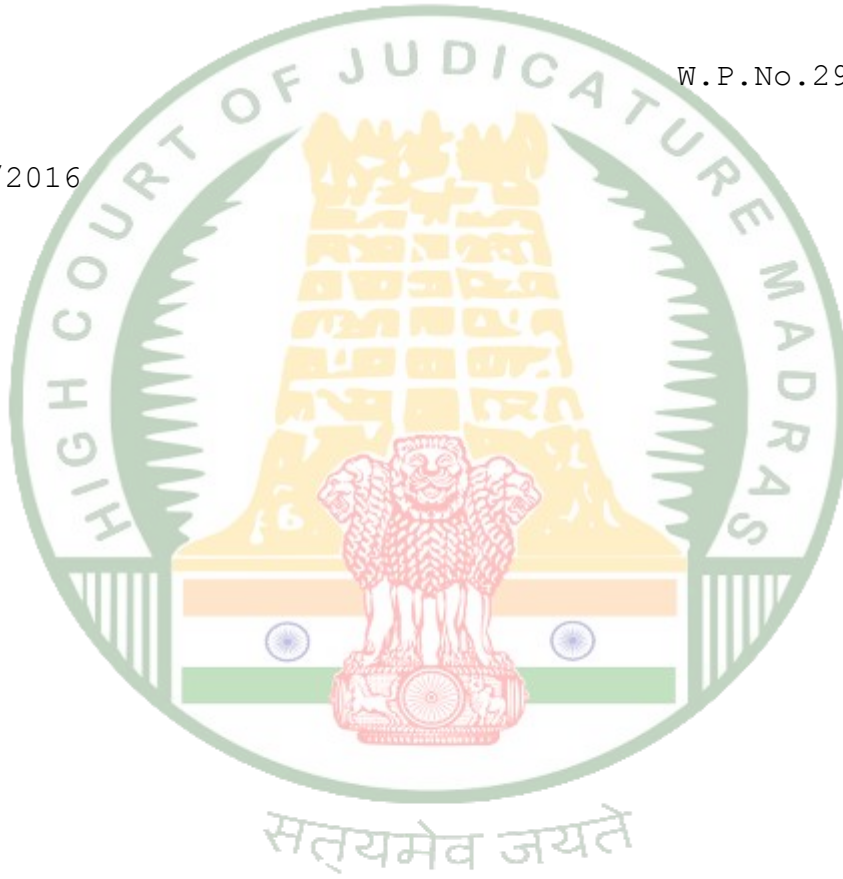
2 The District Registrar,
Chennai North,
No.1, Murthygal Lane,
Chennai - 600 001.

3 The Joint Registrar,
Chennai North,
Chennai - 600 001.

+1cc to Mr.M.Arvind Subramaniam, Advocate Sr.48353

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srg 07/09/2016



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