BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE C.T.SELVAM

W.A.(MD)Nos.447 to 451 of 2016
in
C.M.P.(MD)Nos.3193 to 3201 of 2016

1.The Government of Tamil Nadu,
rep. by Special Secretary to Government,
Commercial Taxes (J1 Department),
Secretariat, Chennai 9.

2.The Inspector General of Registration,
Chennai 28.

3.The District Registrar,
Trichy District,
Tiruchirappalli - 620 001.
.. Appellants in all the writ appeals.

Vs.

1.Paulin Samuel Raj
.. Respondent in W.A.(MD)No.447 of 2016

2.P.Sathiyanarayanan .. Respondent in W.A.(MD)No.448 of 2016

3.P.Dhanam .. Respondent in W.A.(MD)No.449 of 2016

4.K.Balakrishnan .. Respondent in W.A.(MD)No.450 of 2016

5.R.Babu Rao .. Respondent in W.A.(MD)No.451 of 2016

COMMON PRAYER: The Writ Appeals are filed under Clause 15 of Letters Patent against the common order of this Court, dated 19.02.2008 made in W.P(MD)Nos.1400 to 1404 of 2008.

Prayer in WP(MD). 1400/ 2008 :
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, forbearing the 3rd Respondent from demanding additional stamp duty for the document of sale dated 8.4.1999 bearing Registration No.1622/1999 executed by Tamil Nadu Police Housing Corporation limited in favour of the petitioner and further direct

the respondents to deliver the Sale Deed dated 8.4.1999 registered as document No.1622/1999 to the petitioner.

Prayer in WP(MD). 1401/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, forbearing the 3rd Respondent from demanding additional stamp duty for the document of sale dated 28.08.2007 bearing Registration No.6259/2007 executed by Tamil Nadu Police Housing Corporation limited in favour of the petitioner and further direct the respondents to deliver the Sale Deed dated 28.8.2007 registered as document No.6259/2007 to the petitioner.

Prayer in WP(MD). 1402/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, forbearing the 3rd Respondent from demanding additional stamp duty for the document of sale dated 27.8.2007 bearing Registration No.6238/2007 executed by Tamil Nadu Police Housing Corporation limited in favour of the petitioner and further direct the respondents to deliver the Sale Deed dated 27.8.2007 registered as document No.6238/2007 to the petitioner.

Prayer in WP(MD). 1403/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, forbearing the 3rd Respondent from demanding additional stamp duty for the document of sale dated 7.9.2007 bearing Registration No.6532/2007 executed by Tamil Nadu Police Housing Corporation limited in favour of the petitioner and further direct the respondents to deliver the Sale Deed dated 7.9.2007 registered as document No.6532/2007 to the petitioner.

Prayer in WP(MD). 1404/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus, forbearing the 3rd Respondent from demanding additional stamp duty for the document of sale dated 9.7.2001 bearing Registration No.2504/2001 executed by Tamil Nadu Police Housing Corporation limited in favour of the petitioner and further direct the respondents to deliver the Sale Deed dated 9.7.2001 registered as document No.2504/2001 to the petitioner.

For Appellants
in both W.As. : Mr.A.K.Baskara Pandian
Special Government Pleader

For respondents
in all the W.As. : No Appearance

COMMON JUDGMENT

(Judgment of this Court was delivered by S.MANIKUMAR, J.)

Though the common order, made in W.P.(MD)Nos.1400 to 1404 of 2008, dated 19.02.2008 is assailed on several grounds, Mr.A.K.Baskarapandian, learned Special Government Pleader submitted that after the disposal of the writ petitions, the Government have issued notification under Section 9(1)(a) of the Indian Stamp Act, 1899, exempting payment of additional stamp duty. Section 9(1) (a) of the said Act, reads as follows:-

> "9.Power to reduce, remit or compound duties.- (1) The Government may, by rule or order published in Official Gazette-
>
> (a) reduce or remit, whether prospectively or retrospectively, in the whole or any part of the territories under its administration, the duties with which any instruments or any particular class of instruments or any of the instruments belonging to such class, or any instruments when executed by or in favour of any particular class of persons, or by or in favour of any members of such class, are chargeable."

2.Learned Special Government Pleader also submitted that sale deeds registered have been released to the respondents.

3.Placing on record the submission of the learned Special Government Pleader, nothing survives in the present appeal for further adjudication. Hence, the writ appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Special Secretary to Government,
Commercial Taxes (J1 Department), Secretariat, Chennai 9.

2.The Inspector General of Registration, Chennai 28.

3.The District Registrar, Trichy District,
Tiruchirappalli - 620 001.

+one cc to The Special Government Pleader in SR.No.16886

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in
C.M.P.(MD)Nos.3193 to 3201 of 2016

CSL/SKS-RR/20.04.2016/3P/5C

22.03.2016