

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.03.2017

CORAM

The Honourable MR. JUSTICE M.SATHYANARAYANAN

W.P.No.6245 of 2017

1.T.S.Babu

2.S.Panneer Selvam

... Petitioners

Vs

1 The Chief Controlling Revenue Authority,
Cum Inspector General of Registration,
100, Santhome High Road, Chennai 600 008.

2 The Sub-Registrar,
Thiruporur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 1st respondent to refund the excess amount of Rs.3,93,977/- (Rupees Three lakhs ninety three thousand nine hundred and seventy seven only) to the petitioners.

For Petitioners

: Mr.V.Lakshminarayanan

For Respondents

: Mr.A.N.Thambidurai, Spl.GP

ORDER

By consent, this writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government pleader accepts notice on behalf of the respondents .

2 The 1st petitioner along with one Mr.S.Paneer Selvam claim to the co-owner of the property comprised in S.No.22/1C1B and 22/1C1A, admeasuring to an extent of 5207 sq.ft., situate at Thaiyur Village, Thiruporur Taluk, Kancheepuram District, through a registered Sale Deed bearing Doc.No.2805/2007 dated 16.03.2007. The petitioner would further aver that after the said purchase, a superstructure has also been put up consisting of ground and four floors, and the extent of the super structure is 11,791 Sq.ft.

3 It is also stated by the petitioner that on 07.09.2016, he and the second petitioner had divided the property among

themselves as per the guideline value at the rate of Rs.1700/- per Sq.ft. The Petitioners would further submit that when the document was presented for registration, the second respondent had demanded a sum of Rs.3,000/- per Sq.ft. and the petitioners failed to accede to the unreasonable demand and submitted a representation to the 1st respondent on 12.09.2016. Subsequently, the petitioners were informed by the District Registrar, Chengalpattu, that on the basis of the order passed by the Deputy Inspector General of Registration, dated 03.10.2016, the petitioners had paid excess stamp duty and therefore, they have submitted a representation dated 07.02.2017 to the 1st respondent praying for refund of difference of Stamp duty of Rs.3,93,977/- and it was acknowledged on 07.02.2017. Since the said representation have not been given disposal, the petitioners have come forward to file this writ petition.

4 Mr.V.Lakshminarayanan, learned counsel for the petitioners would submit that in the light of the communication of the District Registrar, Chengalpattu dated 18.01.2017 made in Na.Ka.35/Aa1/2016, there cannot be implemment on the part of the 1st respondent to refund the excess stamp duty paid by the petitioners and prays for appropriate orders.

5 The Court heard the submissions of Mr.A.N.Thambidurai , learned Special Government Pleader appearing for the respondents.

6 Though the petitioners have 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 petitioners, directs the 1st respondent to consider and dispose the petitioners' representation dated 07.02.2017 on merits and in accordance with law and pass appropriate orders within four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP/rka

To

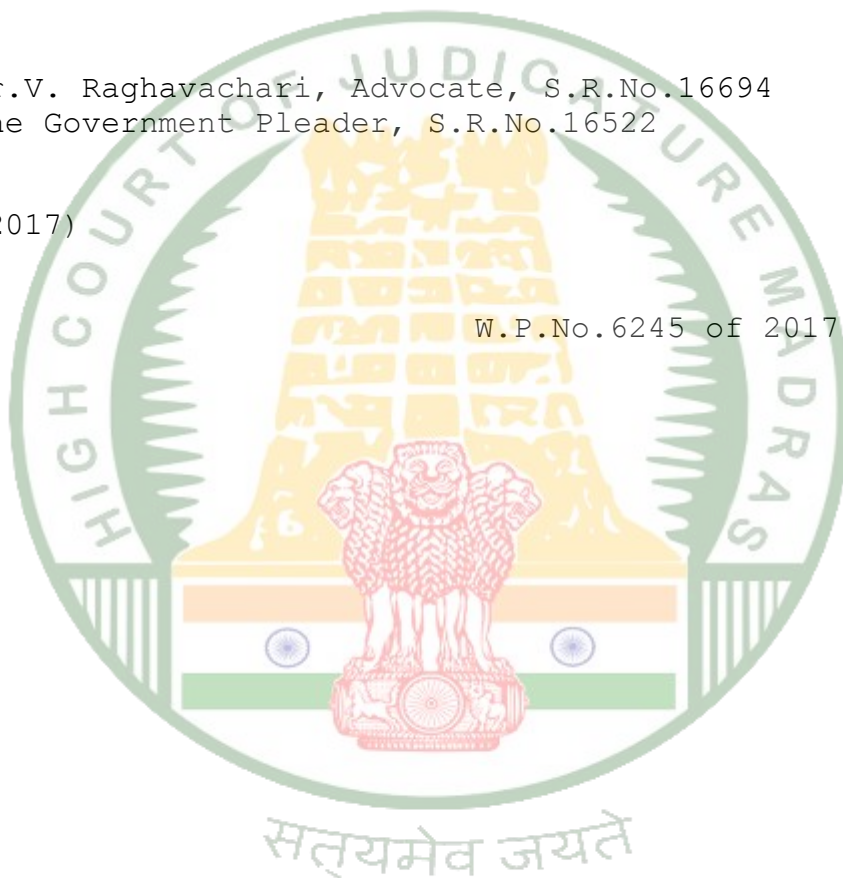
1 The Chief Controlling Revenue Authority,
Cum Inspector General of Registration,
100, Santhome High Road, Chennai 600 008.

2 The Sub-Registrar,
Thiruporur.

+1cc to Mr.V. Raghavachari, Advocate, S.R.No.16694
+1cc to the Government Pleader, S.R.No.16522

GJII(CO)
md(23/03/2017)

W.P.No.6245 of 2017



WEB COPY