

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.No.9387 of 2017 &
W.M.P.No. 10356 of 2017

N.B.Dinesh Kumar

[Petitioner]

Vs

1. The State
Rep. by the Secretary to the Government,
Commercial Taxes & Registration Department,
Secretariat, Chennai.
 2. Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai.
 3. The District Registrar - Chennai South,
Jennis Road, Saidapet,
Chennai 600 015.
 4. The Sub Registrar,
Trunk Road,
Poonamallee,
Chennai - 600 056.
- [Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent herein to accept the tender of Rs.1,05,800/- towards deficit stamp duty and drop the proceedings bearing Ref.No.16149/AA1/2015 dated 08.02.2016 and to hand over to the petitioner the original instrument of the document registered as Doc.No.2261/2014.

WEB COPY

For Petitioner : M/s.S.P.Arthi

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

The petitioner, being aggrieved by the valuation of the property and levy of stamp duty under Article 45(b) of the Stamp Act by the 3rd respondent, has filed the above Writ Petition to issue a Writ of Mandamus directing the 3rd respondent to accept the tender of Rs.1,05,800/- towards deficit stamp duty and drop the proceedings dated 08.02.2016 and to hand over the original document registered as Doc.No.2261/2014 to him.

2. It is brought to the notice of this Court by the learned counsel for the petitioner that when the petitioner tendered the said sum of Rs.1,05,800/-, by way of Demand Draft on 27.07.2016, it was refused by the fourth respondent and therefore, the Demand Draft was revalidated on 28.10.2016. Even after revalidation, the fourth respondent refused to accept the same. In these circumstances, the petitioner has approached this Court, seeking for the above relief.

3. Mr.A.N.Thambidurai, Special Government Pleader appearing for the respondents, submitted that the petitioner may be directed to hand over the Demand Draft to the third respondent, who, in turn, may be directed to instruct the fourth respondent to hand over the document to the petitioner.

4. In view of the submission made by the learned counsel on either side, I direct the petitioner to hand over the Demand Draft for a sum of Rs.1,05,800/- to the third respondent, within a period of one week from the date of receipt of a copy of this order and in turn, the third respondent, after receipt of the Demand Draft, shall direct the fourth respondent to hand over the document bearing No.2261/2014 to the petitioner, within a period of one week thereafter.

With these observations, the Writ Petition is disposed of. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

gsa/rk

To

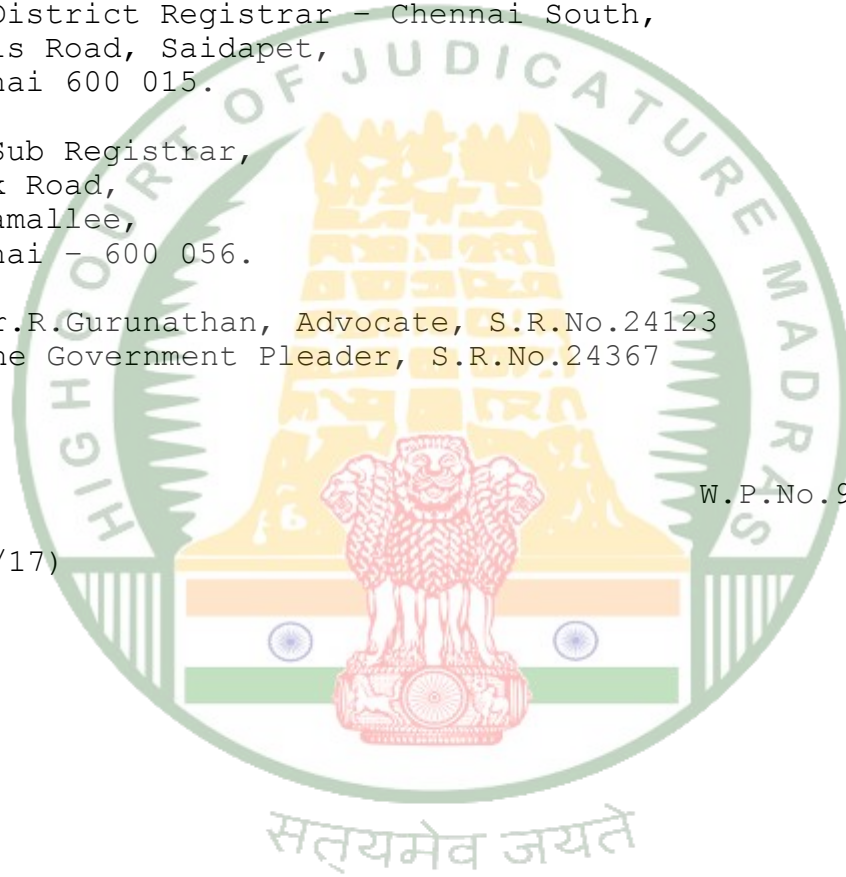
1. The Secretary to the Government,
Commercial Taxes & Registration Department,
Secretariat, Chennai.
2. Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate, Chennai.
3. The District Registrar - Chennai South,
Jennis Road, Saidapet,
Chennai 600 015.
4. The Sub Registrar,
Trunk Road,
Poonamallee,
Chennai - 600 056.

+1cc to Mr.R.Gurunathan, Advocate, S.R.No.24123

+1cc to the Government Pleader, S.R.No.24367

rsk(co)
rmp(02/05/17)

W.P.No.9387 of 2017



WEB COPY