



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.08.2017
CORAM

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

WEB COPY

W.P. (MD) No.15358 of 2017

M.H. Sheik Manshur Allagi

... Petitioner

Vs.

1. The Deputy Collector, (Stamps),
Kokkirakulam,
Tirunelveli.

2. The Sub-Registrar,
Sub-Registrar Office,
Melapalayam,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to give permission to the petitioner to pay the amount due towards stamp duty regarding the documents in two sale deeds in Doc.Nos.1220/2010 and 194/2011, which were registered by the second respondent herein thereafter consequently directing the second respondent to remove the endorsement made by him in the above said two documents regarding the payment of amount due by considering the petitioner's representation dated 20.07.2017 within a time stipulated.

For Petitioner : Mr. A. Ganapathyraman

For Respondents : Mr. A. Muthukaruppan

Additional Government Pleader

ORDER

The Writ Petition is filed seeking for a direction to the first respondent to give permission to the petitioner to pay the deficit stamp duty for the sale deed registered as Doc.Nos.1220/2010 and 194/2011, based on the representation dated 20.07.2017.

2. Mr. A. Muthukaruppan, learned Additional Government Pleader takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner would claim that he purchased the property to an extent of 166.5 sq.ft bearing Door No.107 comprised in S.No.39 situated at Ward No.2 in T.S.No.3404/1C, Melapalayam SRO,



Palayamkottai by a registered sale deed dated 23.02.2010 and another extent of 1750 sq.ft bearing Plot No.19 in Brite Colony, Keezhaveeraragavapuram Village, Tirunelveli District through a registered sale deed 10.01.2011.

4. According to the petitioner, he paid necessary stamp duty at the time of registration for the sale deeds, however, the second respondent referred the documents under Section 47(A)(1) of Indian Stamp Act for determining the market value. As per the direction issued by this Court in W.P.(MD).No.10819 of 2011, both the sale deeds were given to the petitioner. But he has not able to alienate the property due to the endorsement made in the documents. Hence, he gave a representation dated 20.07.2017 to the second respondent seeking permission to pay deficit stamp duty. Since no favourable order was passed, the present Writ Petition.

5. In the light of the above facts, this Court, without going into the merits of the matter, directs the first respondent to consider the representation of the petitioner dated 20.07.2017 and pass appropriate orders on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

1. The Deputy Collector,
Kokkirakulam, Tirunelveli.
2. The Sub-Registrar,
Sub-Registrar Office,
Melapalayam, Tirunelveli District.

+1 cc to MrS.A.Ganapathyraman , Advocate in SR.No. 72984
+1 cc to The Special Government Pleader in SR.No.73206

sss/skn
AE/SV MMS/SAR1/11.09.2017/2P/5C