

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8543 of 2018

K.Anand

.. Petitioner

-vs-

1.The Inspector General of Registration
Chennai

2.The District Collector
Villupuram

3.The Special Deputy Collector (Stamps)
Cuddalore

4.The Joint Sub-Registrar No.1
Villupuram

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the document of the petitioner bearing Document No.524 of 2004 on the file of the 4th respondent under the present Samadhan Scheme introduced by State of Tamil Nadu and thereby permit the petitioner to pay the stamp duty as per the Samadhan Scheme in respect of the above said document.

For Petitioner :: Mr.N.Suresh

For Respondents :: Mr.V.Jayaprakash Narayanan
Special Govt. Pleader

ORDER

The petitioner claims to be an absolute owner of the property covered in Survey No.86/1 having an extent of 75 ½ cents situated at Villupuram. It was purchased on 29.03.2004 and subsequently registered as Document No.524 of 2004 on the file of the fourth respondent. Thereafter, the Joint Sub-Registrar No.1, Villupuram, the fourth respondent herein, while

determining the market value of the land, referred the document to the Special Deputy Collector (Stamps), Cuddalore, the third respondent herein, for determination of the market value under Section 47-A of the Indian Stamps Act.

2. Aggrieved by the order passed by the fourth respondent, a suit was filed in O.S.No.35 of 2005 on the file of the Principal District Munsif, Villupuram and the said suit was dismissed on 30.09.2005. As against the said judgment, the petitioner filed an appeal in A.S.No.105 of 2006 on the file of the Principal Sub-Judge, Villupuram. However, during the pendency of the appeal, the petitioner moved an interlocutory application in I.A.No.8 of 2012 to withdraw the suit with liberty to file another appeal, for the purpose of filing petition under the Samadhan Scheme before the authority since the Government issued G.O.Ms.No.189, Commercial Taxes and Registration (II) Department, dated 29.12.2017 stating that the Government have decided to implement a "Samadhan Scheme" by giving a remission of 1/3rd of the difference of stamp duty between the duty already paid and what is chargeable on the value of the properties (both for land and buildings including chargeable assets) as proposed by the registering officer on the basis of Guideline Register in respect of land and the Public Works Department schedule of rates in respect of buildings.

3. Learned counsel appearing for the petitioner drawing the attention of this Court to Paragraph 4(A) of the Government Order dated 29.12.2017 submitted that the scheme gives benefit to the petitioner since his case is pending on the file of the third respondent.

4. I am also of the view that if any case is pending on the file of the Special Deputy Collector (Stamps) on the date of issuance of aforesaid Government Order, the petitioner is entitled to get the benefit of the said Samadhan Scheme. Therefore, this Court has no hesitation in directing the respondents to consider the case of the petitioner in the light of the Samadhan Scheme.

5. The learned Special Government Pleader appearing for the respondents sought for four weeks time to consider the case of the petitioner on the basis of the existing Samadhan Scheme introduced in the aforementioned Government Order.

6. In the light of the request made by Special Government Pleader, the third respondent is directed to consider the case of the petitioner on the basis of the G.O.Ms.No.189, Commercial Taxes and Registration (II) Department, dated 29.12.2017 within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

gpa

To

1.The Inspector General of Registration
Chennai

2.The District Collector
Villupuram

3.The Special Deputy Collector (Stamps)
Cuddalore

4.The Joint Sub-Registrar No.1
Villupuram

+1cc to Mr.N.Suresh, Advocate, Sr.No.26840

+1cc to The Government Pleader Sr.No.27255

W.P.No.8543 of 2018

LRS (CO)

RRK (21/05/2018)

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