

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.15479 of 2008

M/s.Futurekidsasia Pvt Ltd.,
Rep.By its Director, Mr.S.Venkatasubramanian,
7th Floor, Rani Seethai Hall, No.603,
Anna Salai, Chennai - 600 006.

... Petitioner

Vs.

1. The Special Deputy Collector (Stamps),
O/o. The Special Deputy Collector (Stamps),
Thiruchirapalli.
2. The Sub-Registrar,
O/o. The Sub-Registrar,
Pudukottai.

... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records of the impugned order passed by the first respondent in Rc./A4/2496/2008 dated 22.05.2008 and quash the same, consequently, direct the respondents to release the Sale Deeds dated 10.01.2007 registered as Document Nos.90/2007, 91/2007 and 92/2007 pending on the file of the second respondent.

For Petitioners: Mr.P.Ilayaraja

For M/s.Ramalingam & Associates

For Respondents: Mrs.Thangavadhana Balakrishnan

Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the entire records of the impugned order passed by the first respondent in Rc./A4/2496/2008 dated 22.05.2008 and to quash the same, consequently, to direct the respondents to release the Sale Deeds dated 10.01.2007 registered as Document Nos.90/2007, 91/2007 and 92/2007 pending on the file of the second respondent.

2. The petitioner had purchased property being vacant land comprised in T.S.Nos.9923/14B (S.No.212/4B5), 9927/8 (S.No.208/2), 9925/2B2 (S.No.208/2 & 210/2) and 9925/2B3 (S.No.210/2) of Pudukottai Village & Town, Pudukkottai Taluk and District, totally measuring an extent of Acres 5.33 cents, from one M/s.Shivashree holdings, for which, the petitioner has paid the requisite stamp duty of Rs.27,86,304 for the market value of Rs.3,48,25,050/-, though the sale consideration paid by the petitioner was only Rs.2,32,16,700/- to the vendor.

3. It is stated that after registration of the said sale deeds, the second respondent had referred the documents to the first respondent for further enquiry and the documents were not returned to the petitioner stating that some deficit stamp duty is due on the petitioner. Thereafter, the first respondent has valued the property and has raised a demand for Rs.12,34,576/- stating that the original market value of the said property is Rs.5,02,57,290/- and thereby, the petitioner has to pay the additional deficit stamp duty of Rs.12,34,576/-. Thereafter, the first respondent has passed an impugned order in Rc./A4/2496/2008 dated 22.05.2008 requesting the Joint Sub-Registrar-II, Pudukkottai, to collect the deficit stamp duty and to return the document to the purchaser. Challenging the said order, the present Writ Petition has been filed by the petitioner.

4. The learned counsel appearing for the petitioner submitted that the relief sought for in this Writ Petition has become infructuous and he has also made an endorsement to that effect.

5. Recording the above submissions and the endorsement made by the learned counsel for the petitioner, the Writ Petition is dismissed as infructuous. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

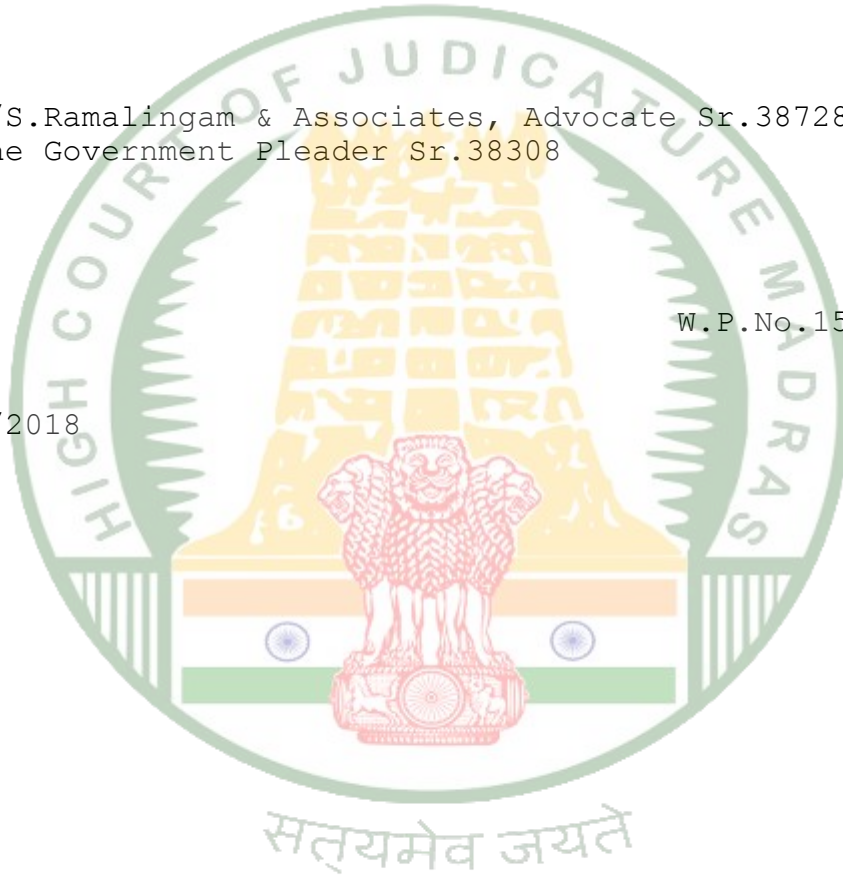
To

1. The Special Deputy Collector (Stamps),
O/o. The Special Deputy Collector (Stamps),
Thiruchirapalli.
2. The Sub-Registrar,
O/o. The Sub-Registrar,
Pudukottai.

+2cc to M/S.Ramalingam & Associates, Advocate Sr.38728
+1cc to the Government Pleader Sr.38308

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srg 29/06/2018



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