

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.35851 of 2016
and
W.M.P.No.30796 of 2016

A.Karthik

...Petitioner

Vs

1.The Inspector General of Registration
No.100, Santhome High Road,
Pattinappakkam, Chennai - 600 028.

2.The District Registrar
(Registration Department)
Chenglepet Registration District,
Azhagesan Street, Chenglepet - 603 001.

3.Smt.Bhagavathi Selvi,
The Sub-Registrar,
Office of the Sub-Registrar
(Registration Department)
Cheyyur
Cheyyur Taluk, Kancheepuram District

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ or order or direction, particularly in the nature of Writ of Mandamus, directing the second respondent to consider the representation dated 14.07.2016 of the petitioner and pass orders on merits and in accordance with law, after affording opportunity of being heard to the petitioner.

For Petitioner :Mr.E.P.Suntharaam

For Respondents:Mr.P.P.Purushothaman, GA for R1 & R2
No appearance for R3

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to consider the representation dated 14.07.2016.

2.It is brought to the notice of this Court that the Sub Registrar, Cheyyur had already issued a notice in proceedings dated 20.06.2016, directing the writ petitioner to pay the deficit stamp duty and get back the registered documents.

3.The learned counsel appearing on behalf of the writ petitioner states that the order passed by the Sub Registrar, directing the writ petitioner to pay the deficit stamp duty is illegal and therefore, he has filed the present writ petition. Even if the petitioner is of an opinion that the order is not in accordance with law, it is left open to him to approach the Appellate authority under the provisions of the Act to redress his grievances. Contrarily, the present writ petition is filed seeking a direction, directing the respondents to consider the representation does not arise at all. Since an order, directing the writ petitioner to pay the deficit stamp duty had already been passed, the said order is to be challenged before the competent authority. The petitioner is at liberty to pay the deficit stamp duty and get back the registered documents released from the office of the Sub Registrar, Cheyyur.

4.This being the principles to be followed, the direction as such sought for to consider the representation does not arise at all. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Registration
No.100, Santhome High Road,
Pattinappakkam, Chennai - 600 028.

2.The District Registrar(Registration Department)
Chenglepet Registration District,
Azhagesan Street, Chenglepet - 603 001.

3.The Sub-Registrar,
Office of the Sub-Registrar(Registration Department)
Cheyyur
Cheyyur Taluk, Kancheepuram District.

+ 1 cc to Mr. E.P. Suntharaam, Advocate Sr.39316

W.P.No.35851 of 2016

(CS-DR)
EU(29/06/2018)