

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.9340 of 2016 and
W.M.P.Nos.8343 of 2016 and 7170 of 2018

Banumathy Thomas ... Petitioner

versus

1. The State of Tamil Nadu,
rep. By its Secretary,
Commercial Taxes and Registration Department,
Fort, Secretariat,
Chennai - 600 009.
 2. The Chief Controlling Revenue Authority-cum-
Inspector General of Registration,
No.110, Santhome High Road,
Chennai - 600 028.
 3. The District Registrar (Administration),
Registration District of Central Chennai,
Chennai - 600 014.
 4. The Sub-Registrar (In the Cadre of District Registrar),
Sub Registration Office,
No.62, Perambur Baraks Road,
Purasawalkam,
Chennai - 600 007.
- ...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in the impugned order passed by the 2nd respondent in his proceedings No.53859/P1/2014 dated 22.09.2015 and quash the same and direct the 4th respondent to release the Release Deed dated 08.10.2007 at the value indicated therein registered as Document No.201/07 on the file of the 4th respondent to the petitioner.

For Petitioners : Mrs.Gladys Daniel

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

O R D E R

This writ petition is filed challenging the order of the 2nd respondent dated 22.09.2015, wherein and whereby, the revision filed by the petitioner was dismissed by the 2nd respondent herein in respect of the issue with regard to payment of deficit stamp duty.

2. After filing the present writ petition, now a miscellaneous petition is filed before this Court in W.M.P.No.7170/2018 seeking permission to pay 2/3 stamp duty for a sum of Rs.2,49,973/- and 2/3 registration fee for a sum of Rs.30,080/- and consequently, to direct the 4th respondent to release the Release Deed dated 08.10.2007 registered as Document No.201/07.

3. Learned counsel appearing for the petitioner submitted that though this writ petition is filed challenging the order passed by the 2nd respondent in dismissing the revision filed by the petitioner, in view of the subsequent developments, namely, introduction of the Samadhan Scheme in G.O.Ms.No.189, Commercial Taxes and Registration Department dated 29.12.2017, the petitioner is willing to go before the respondents by utilising the said Scheme. Therefore, she contended that the petitioner may be granted liberty to go before the authorities under the above said Scheme by making appropriate application.

4. Perusal of the said Scheme as referred to in the above said Government order would show that the Government has issued certain instruction to the Registration Department with regard to the remission of difference of stamp duty etc. and therefore, it is for the petitioner to make appropriate application and seek the benefit under the said Scheme, if the petitioner is entitled to get the benefit under the said Scheme.

5. Accordingly, the writ petition is disposed of by granting liberty to the petitioner to work out her remedy under the above said Samadhan Scheme by making appropriate application before the concerned authority, more particularly, the 4th respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such application, the 4th respondent will consider the claim of the petitioner, based on such Samadhan Scheme and pass appropriate order within a period of

four weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar (CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary,
Commercial Taxes and Registration Department,
Fort, Secretariat,
Chennai - 600 009.
2. The Chief Controlling Revenue Authority-cum-
Inspector General of Registration,
No.110, Santhome High Road,
Chennai - 600 028.
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No.62, Perambur Baraks Road,
Purasawalkam,
Chennai - 600 007.

+1cc to Mr.Daniel & Gladys, Advocate, S.R.No.21703

+1cc to the Government Pleader, S.R.No.22341

W.P.No.9340 of 2016

RRK(26/03/2018)