IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2018

CORAM

THE HON'BLE MR.JUSTICE M. DHANDAPANI

W.P.No.29480 of 2006 and
M.P.No.1 of 2010

PMR Educational Trust,
Represented by its President P. Muthuvelraj,
..Petitioner

Vs.

1. The Inspector General of Registration,
   Registration Department,
   Santhome High Road,
   Chennai - 600 028.

2. Special Deputy Collector (Stamps),
   Singaravelar Maligai,
   Chennai Collector Office Complex,
   Chennai-1.

3. The Sub - Registrar,
   Konnur Sub Registrar Office,
   Konnur, Chennai - 49.
.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the third respondent in his proceeding No.26/2000, dated 28.08.1998 and to quash the same and consequently to direct the third respondent herein to return the sale deed to the petitioner herein, which is pending in P.No.1262/1999 on the file of the third respondent.

For Petitioner : M/s.M.Purushothaman

For Respondents : Mr.R. Govindasamy
Special Government Pleader

O R D E R

The petitioner has filed this writ petition challenging the Samadhan Scheme Notice issued by the 3rd Respondent in his proceeding No.26/2000, dated 28.08.1998, to quash the same and consequently to direct the third respondent herein to return the sale deed to the petitioner herein, which is pending in P.No.1262/1999 on the file of the third respondent.

2. The case of the petitioner is that the petitioner is an Educational Trust and it purchased 8 grounds 170 sq.ft., vacant land which was allotted by the Tamil Nadu Housing Board vide letter No.B8/7857/88. After completion of Registration, the Registration Department initiated proceedings under Section 47 (A) of the Indian Stamps Act on the ground that Stamp Duty has to be paid in accordance with the market value on the date of the instrument or the guideline value as fixed by the registering authority and not as per consideration recited in the sale deed. Thereafter, while pending proceedings under Section 47(A), the third respondent issued a notice under the Samadhan Scheme, which is the order impugned in this writ petition. The purpose of issuance of notice under Samadhan Scheme is to enable the Instrument Holder to avail the benefits on payment of 60% of the Stamp Duty. If the person did not want to avail the benefits under Samadhan Scheme, no one can compel to go for Samadhan Scheme.

3. In view of the above, I do not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. However, this order will not stand in the way of the petitioner to persuade the remedy for the proceedings under Section 47 (A) of the Indian Stamp Act.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To:

1. The Inspector General of Registration,
   Registration Department,
   Santhome High Road,
   Chennai - 600 028.

2. Special Deputy Collector (Stamps),
   Singaravelar Maligai,
   Chennai Collector Office Complex,
   Chennai-1.

3. The Sub - Registrar,
   Konnur Sub Registrar Office,
   Konnur, Chennai - 49.

+1cc to M/s.P.Sesubalan Raja, Advocate sr.no.31871

W.P.No.29480 of 2006

nr 12/06/2018