IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 17.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.26631 of 2004

Balarama Thevar (died)

1.B.Bangaru Ammal
2.B.Sasikala
3.R.Sumathi
4.B.B.Mohanraj
5.B.Saravanaraj ... Petitioners

(Petitioners 1 to 5 are substituted vide Court order dated 26.06.2019 in W.M.P.No.24298 of 2017

Vs

1.The District Revenue Officer,
(Stamp Paper)
Chennai -1.

2.The Special Sub-Collector,
(Stamp Paper),
5th Floor, District Collector Officer,
Chennai - 1.

3.The Sub-Registrar,
Tambaram.

4.The Inspector General of Registration,
Santhome,
Chennai - 4. ... Respondents/Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus to call for the records in Na.Ka.C.Pa.No.131, dated 15.07.2003 issued by the first respondent and quash the same and further direct the respondents to release the Document No.631 of 1997, dated 19.02.1997 registered in the Sub-Registrar Office, Tambaram of the petitioner forthwith.

For Petitioners : Mrs.R.T.Shyamala

For Respondents : Mr.P.Purushothaman
Government Advocate

ORDER

Heard Mrs.R.T.Shyamala, learned counsel for the petitioner; Mr.P.Purushothaman, learned Government Advocate for the respondents and perused the materials placed on record.

2. This Writ Petition has been filed challenging the order passed by the first respondent under Section 47-A(1) of the Indian Stamp Act [for brevity "the Act"] thereby, the petitioner was directed to pay a sum of Rs.70,509/- towards deficit stamp duty.

3. The petitioner would claim that he entered into a sale agreement to purchase the property covered under the sale deed and the same was registered with the third respondent. It is the claim of the petitioner that since stamp duty was already paid as per the guidelines at the time of registration of the sale agreement, no need to pay the additional stamp duty as claimed by the respondents.

4. The respondents have filed a detailed counter stating that the petitioner is having an effective alternative remedy under Section 47-A(5) of the Act, but without exhausting the judicial remedy, this Writ Petition has been filed.

5. It is not in dispute that the order impugned in this Writ Petition could be challenged by the petitioner by filing an appeal before the Inspector General of Registration, Santhome, Chennai under Section 47-A(5) of the Act.

6. Taking note of the fact that this Writ Petition has been filed directly without exhausting the alternative remedy of filing an appeal before the Inspector General of Registration, Santhome, Chennai under Section 47-A(5) of the Act, this Court is not inclined to entertain this Writ Petition and hence, this Writ Petition is dismissed. There is no order as to costs.



Sd/-
Assistant Registrar(CS III)



//True Copy//

Sub Assistant Registrar

r n s

To

1.The District Revenue Officer,
(Stamp Paper)
Chennai -1.

2.The Special Sub-Collector,
(Stamp Paper),
5th Floor, District Collector Officer,
Chennai - 1.

3.The Sub-Registrar,
Tambaram.

4.The Inspector General of Registration,
Santhome,
Chennai - 4.

+1cc to Mrs.R.T.Shyamala, Advocate sr.61102
+1cc to Government Pleader sr.61957

W.P.No.26631 of 2004

gj(co)
nr 17/09/2019