

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.39438 to 39440 of 2005

Subash Chandra Saraff ..Petitioner
in W.P.No.39438 of 2005

Anjali Saraff ..Petitioner
in W.P.No.39439 of 2005

Abhishek Saraff ..Petitioner
in W.P.No.39440 of 2005

-Vs-

The Sub Registrar,
Adyar, Chennai - 600 020. .. Respondent in all W.Ps

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, seeking issuance of a writ of certiorarified mandamus, calling for records of the respondent leading to the order dated 25.04.2005 in respect of registered sale deed in document Nos.1256/2003, 1257/2003 and 1237/2003 and letter No.121/2004, dated 29.04.2005 and quash the same and also direct the respondent to receive a sum of Rs.1,25,018/-, Rs.1,25,018/- and Rs.2,72,081/- representing 60% of the amounts payable by the petitioner as per G.O.Ms.No.193, Samadhan Scheme.

For Petitioners : Mr.Prakash Goklaney
(in all W.Ps)

For Respondent : Mr.P.P.Purushothaman
Government Advocate
(in all W.Ps)

COMMON ORDER

Heard Mr.Prakash Goklaney, learned counsel for the petitioners, Mr.P.P.Purushothaman, learned Government Advocate for the respondent and perused the materials available on record.

2. These writ petitions have been filed challenging the notice issued by the respondent under the Samadhan Scheme.

3. The learned counsel for the petitioners would submit that in the impugned notice, the respondent has quoted morethan the

amount demanded under Section 47(A) of the Indian Registration Act (herein after referred to as 'the Act'). It is further submitted that when the petitioners would ready to avail the benefits under the Samadhan Scheme, due to the illegality committed by the respondent, the benefits could not be availed by the petitioners.

4. It is contended by the learned Government Advocate that after registration of the documents, the same were sent to the Special Collector (Stamps) to initiate proceedings under Section 47(A) of the Act, to recover the deficit stamp duty. In the meanwhile, the notice was issued to settle the amount under the Samadhan Scheme. According to the learned Government Advocate, as the petitioners were not ready to avail the benefits under the Samadhan Scheme, they have to face the proceedings initiated under Section 47(A) of the Act.

5. It is an admitted fact that the respondent has already initiated proceedings under Section 47(A) of the Act to recover the deficit stamp duty. It is pointed by the learned Government Advocate that the petitioners had not availed the benefits under the Samadhan Scheme and hence, they have to face the proceedings initiated under Section 47(A) of the Act.

6. Taking note of the fact, that proceedings initiated by the respondent have been stalled in view of the pendency of these writ petitions, the respondent is hereby directed to conclude the proceedings within a period of six months and the petitioners shall co-operate for completion of the proceedings in time frame. For the forgoing reasons, I find no merit in these writ petitions. Accordingly, they are dismissed with the above directions. No costs.

ms

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To
The Sub Registrar,
Adyar,
Chennai - 600 020.

+2cc to Mr. Prakash Gokalaney, Advocate, SR.No.63888
+1cc to the Govt. Pleader, Vide Sr.No.64229&64231

W.P.Nos.39438 to 39440 of 2005

Kak(18/09/2019)