

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2019

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.11539 of 2019

M.Suresh Kumar

..Petitioner

Vs

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

2. The Sub Registrar,  
O/o. Sub Registrar Office,  
Tiruvellore District.

...Respondents

Prayer: writ petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari mandamus to call for the entire records pertaining by the impugned order in Na.Ka.No.273/2019 dated 02.04.2019 passed by the second respondent and quash the same and thereby directing the respondents to release the partition deed in Document No.P127/2019 dated 22.03.2019 in a time bound period.

For Petitioner : Mr.K.Mohanamurali  
For Respondents : Mr.P.P.Purushothaman  
Government Advocate

O R D E R

The petitioner is aggrieved against the notice dated 02.04.2019, wherein and whereby, the petitioner was called upon to pay the deficit stamp duty of a sum of Rs.2,36,000/- and deficit registration charges of Rs.68,000/- in respect of pending document No.127/19.

2. Heard both sides.

3. According to the petitioner, the impugned demand cannot be issued by the second respondent straightaway, that too, at the stage of assigning the pending document number.

4. On the other hand, a counter affidavit is filed by the

second respondent, wherein it is stated that the impugned demand is only an informal notice issued to the petitioner, since the partition deed has already been impounded under Section 33 of the Indian Stamp Act and referred the same to the District Registrar, who is Collector under Section 40. Therefore, it is contended that the petitioner can work out his remedy by placing all his contentions before the District Registrar, Kancheepuram.

5. Since it is admitted by the second respondent that the subject matter document has been impounded under Section 33 and referred to the District Registrar, Kancheepuram under Section 40, it is for the petitioner to make all his submissions before the District Registrar, who has to issue notice to the petitioner for determination of the issue. Therefore, as such, the present impugned demand, without even passing any final order by the District Registrar, cannot be sustained. Accordingly, without expressing any view on the merits of the claim made by the respondents, this writ petition is allowed and the impugned demand is set aside, by granting liberty to the respondents to issue fresh demand, once the District Registrar passes the final order on the proceedings initiated under the impounding document under Section 33. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CJ Conf)

//True Copy//

Sub Assistant Registrar

vri

To

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

2. The Sub Registrar,  
O/o. Sub Registrar Office,  
Tiruvellore District.

+lcc to Mr.K.Mohanamurali, Advocate, S.R.No. 41058  
+lcc to the Government Pleader, S.R.No. 42538

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SSI (CO)  
GN(03/06/2019)