IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.06.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.16979 of 2019
and
W.M.P.Nos.16537, 16539 and 16542 of 2019

Rajendran Chingaravelu ... Petitioner
Rep.By Power of Agent
Mr.Subramani

-vs-

1. State of Tamil Nadu,
Represented by its Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 009.

2. The Inspector General of Registration,
Office of Inspector General of Registration,
No. 100, Santhome High Road,
Chennai - 600 028.

3. The District Revenue Officer,
Singaravelar Maligai,
32, Rajaji Salai,
Chennai - 600 001.

4. The Sub Registrar,
Sub Registrar Office,
36, Orandiamman Koil Street,
Velachery, Chennai - 600 042.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to Form I vide Na. Ka. No. 666/16 dated 15.03.2016 issued by the Third Respondent and Form II vide Na. Ka. No. 666/16 dated 03.05.2018 issued by the Third Respondent and Final Order vide C.P. No. 666/16/A5 dated 21.02.2019 passed by the Third Respondent claiming a differential stamp duty of Rs.1,71,360/- (Rupees One Lakh Seventy One Thousand Three Hundred and Sixty Only) and to quash the same and further direct the Respondents to pay a sum of

Rs.5,00,000/- (Rupees Five Lakhs Only) as compensation for the legal injury and damages suffered by the Petitioner.

For Petitioner	:	Mr.G.S.Vivekmani
For Respondents	:	Mr.T.M.Pappiah, Special Government Pleader

O R D E R

Heard Mr. G.S. Vivekmani, Learned Counsel for the Petitioner and Mr. T.M. Pappiah, Learned Special Government Pleader appearing on behalf of the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Learned Special Government Pleader appearing for the Respondents, on instructions, submits that the Petitioner has an effective alternative remedy under clause (5) of Section 47-A of the Indian Stamp Act, 1899, to challenge the order impugned in this Writ Petition and Learned Counsel for the Petitioner is unable to give any satisfactory explanation for not having resorted to the same.

3. The only contention of the Learned Counsel for the Petitioner in this regard is that the Petitioner has also sought for additional relief of compensation, which cannot be raised before that statutory forum. There is no substance in the said contention inasmuch as even a claim for compensation has to be ordinarily made in a suit instituted in that regard before the jurisdictional Civil Court and the Writ Court would be loathe to grant such relief in the absence of the Petitioner explaining the extenuating circumstances for the same.

4. It is needless here to recapitulate that the Hon'ble Supreme Court of India in CCE -vs- Dunlop India Limited [(1985) 1 SCC 260], has succinctly explained the legal position relating to the exercise of discretionary powers under writ jurisdiction, as follows:-

> "3. Article 226 is not meant to short-circuit or circumvent statutory procedures. It is only where statutory remedies are entirely ill-suited to meet the demands of extraordinary situations as for instance where the very vires of the statute is in question or where private or public wrongs are so inextricably mixed up and the prevention of public injury and the vindication of public justice require it that recourse may be had to Article 226 of the Constitution. But

then the Court must have good and sufficient reason to bypass the alternative remedy provided by statute. Surely matters involving the revenue where statutory remedies are available are not such matters. We can also take judicial notice of the fact that the vast majority of the petitions under Article 226 of the Constitution are filed solely for the purpose of obtaining interim orders and thereafter prolong the proceedings by one device or the other. The practice certainly needs to be strongly discouraged."

The aforesaid principles squarely apply to the facts of the instant case.

5. In that view of the matter, the Writ Petition stands dismissed. It is made clear that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vjt
To
1. The Secretary to the Government of Tamil Nadu,
Revenue Department, Secretariat,
Fort St. George, Chennai - 600 009.

2. The Inspector General of Registration,
Office of Inspector General of Registration,
No. 100, Santhome High Road, Chennai - 600 028.

3. The District Revenue Officer,
Singaravelar Maligai, 32, Rajaji Salai,
Chennai - 600 001.

4. The Sub Registrar,
Sub Registrar Office, 36, Orandiamman Koil Street,
Velachery, Chennai - 600 042.

+1cc to Mr.Giridhar, Advocate, S.R.No.49985
+1cc to the Government Pleader, S.R.No.51238

W.P.No.16979 of 2019

VD(CO)
CS/24/09/2019