

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.3718 of 2014
and M.P.No.1 of 2014.

Mr.Rajkumar Sethupathy

.. Petitioner

Vs

1. The Sub Registrar (Adyar)

51, Second Street, Kamaraj Avenue,
Adyar, Chennai - 600 020

2. The District Revenue Officer (Stamps)

Office of the District Collector, Chennai
5th Floor, Singaravelar Maaligai
32, Rajaji Salai, Chennai - 600 001.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to issue Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter No.1585 of 2013, dated 26.12.2013 on the file of the first respondent and quash the same and direct the respondents to refund a sum of Rs.39,78,266/- together with interest @ 12% per annum from 20.01.2015 till the date of payment.
(Prayer amended as per Order dated 03.08.2015 by MMSJ in M.P.No.1 of 2015 in W.P.No.3718 of 2014)

For Petitioners

: Mr.S.Rajasekar

For Respondents

: Mr.V.Shanmugasundar

Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned notice issued by the first respondent/Sub Registrar, Adyar, directing the petitioner to pay the deficit stamp duty of Rs.39,78,266/-.

2.The grievance of the petitioner is that the respondents directed the petitioner to pay the deficit stamp duty on wrong assumption that the petitioner had purchased the property without mentioning the construction area as well as without specifying the floor allotted under Undivided Share.

3.Now the respondents have also also filed a counter affidavit stating that the petitioner has already paid the entire stamp duty as claimed by the first respondent and the

document is also released in favour of the petitioner. However, the proceedings initiated under Section 47-A (1) of the Indian Stamp Act, are pending before the second respondent.

4. Since the petitioner has paid the entire stamp duty as claimed by the first respondent, without prejudice to his rights, the validity of the impugned notice need not be considered at this stage. However, as the proceedings under Section 47 A of the Stamp Act, is pending before the second respondent, it is always open to the petitioner to approach the second respondent and file his objections. On filing such objection, the second respondent is directed to consider the same pass suitable orders on merits and in accordance with law, within a period of three months from the date of receipt of the objection filed by the petitioner.

5. With the above observation and directions, the writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dh/kal

To

1. The Sub Registrar (Adyar)
51, Second Street, Kamaraj Avenue,
Adyar, Chennai - 600 020
2. The District Revenue Officer (Stamps)
Office of the District Collector, Chennai
5th Floor, Singaravelar Maaligai
32, Rajaji Salai, Chennai - 600 001.

+1 CC to Mr.S.Rajasekar, Advocate sr 1318.
+1 CC to Govt. Pleader sr 1406.

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and M.P.No.1 of 2014.

PM(CO)
SP(05/02/2019)