

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 13.06.2019****CORAM:****THE HONOURABLE MR.JUSTICE R.SURESH KUMAR****W.P. (MD) .No.13312 of 2019**

P.Balakrishnan

... Petitioner

-Vs-

1.The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road, Chennai.

2.The District Registrar (Administration),
O/o. The District Registrar Registration Office,
Kanyakumari, Kanyakumari District.

3.The Deputy Collector (Stamps),
O/o. The Deputy Collector (Stamps) Office,
Thirunelveli, Thirunelveli District.

4.The Sub Registrar,
O/o. The Sub Registrar,
Thovalai, Thovalai Taluk,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to pass any appropriate order on the appeal pending before him in the light of the decision rendered in judgment of the Madras High Court in W.P.No.28343 of 2015 and the provisions of Indian Stamp Act in realizing Stamp duty paid on the petitioner's Sale Certificate issued by the State Bank of India in vide document No.423/2017 dated 28.04.2017, at the office of the Sub-Registrar Office, Thovalai, Thovalai Taluk, Kanyakumari District for properties in Survey Nos.484/3, 526/1c, 526/16 situated at Aralvaimozhi Village, Thovalai Taluk, Kanyakumari District within the time stipulated by this Court.

For Petitioner : Mr.S.Lenin Prabhu

For Respondents : Mr.V.Anand,
Government Advocate.

**ORDER**

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the first respondent to pass any appropriate order on the appeal pending before him, in the light of the decision rendered in judgment of the Madras High Court in W.P.No.28343 of 2015 and the provisions of Indian Stamp Act in realizing Stamp duty paid on the petitioner's Sale Certificate issued by the State Bank of India in vide document No.423/2017 dated 28.04.2017, at the office of the Sub-Registrar Office, Thoivalai, Thoivalai Taluk, Kanyakumari District for properties in Survey Nos.484/3, 526/1c, 526/16 situated at Aralvaimozhi Village, Thoivalai Taluk, Kanyakumari District within the time stipulated by this Court.

2.Heard Mr.S.Lenin Prabhu, learned counsel appearing for the petitioner and Mr.V.Anand, learned Government Advocate, who accepts notice on behalf of the respondents.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.Though the larger prayer has been sought for in the present Writ Petition, the learned counsel appearing for the writ petitioner now confined with his prayer to the extent that, if the appeal dated 12.02.2018 pending before the first respondent can be directed to be disposed of within a time frame on merits, the petitioner would be satisfied.

5.I have heard Mr.V.Anand, learned Government Advocate appearing for the respondents, who would submit that, in order to dispose of the appeal, the first respondent has sought for certain clarification from the petitioner on 18.05.2018, but, till date, such clarification has not been complied with. Therefore, the appeal could not be decided and it has been kept pending.

6.The learned counsel appearing for the petitioner submits that, immediately, the petitioner is ready to appear before the first respondent and clear the clarification as sought for in proceeding of the first respondent dated 18.05.2018 and thereafter, let the first respondent decides the appeal on merits.

7.Considering the submissions made by the learned counsel on both parties, this Court is inclined to pass the following order:-

"that the petitioner is hereby directed to give compliance to the clarification sought for by the first respondent vide his proceeding dated 18.05.2018, within a period of one week from the date of receipt of a copy of this order. On compliance of the same, the first respondent shall decide the appeal of the petitioner dated 12.02.2018 on merits and in accordance with law and pass orders thereon, within a period of six weeks from the date of such compliance made by the petitioner."



8. With this direction, this Writ Petition stands disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar (CS-I)

To

1. The Inspector General of Registration,
O/o. The Inspector General of Registration,
Santhome High Road, Chennai.
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 4. The Sub Registrar,
O/o. The Sub Registrar,
Thovalai, Thovalai Taluk,
Kanyakumari District.
- +1 CC to M/s.S.LENIN PRABU, Advocate
(SR-68698[F] dated 14/06/2019)
- +1 CC to M/s.SPL GP (SR-68833[F] dated 14/06/2019)

W.P. (MD) No. 13312 of 2019
13.06.2019

ES/17.06.2019/3P/7C