



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.6862 of 2019

and

W.M.P. (MD) Nos.5468 and 5469 of 2019

Dr.R.Justin Raj

... Petitioner

Vs

- 1.The Inspector General of Registration,
Santhome, Mylapore,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Department of Registration,
Tirunelveli.
- 3.The Special Deputy Collector (Stamps),
Tirunelveli.
- 4.The Special Tahsildhar (Stamps),
Division II, Nagercoil,
Kanyakumari District.
- 5.The Joint Sub-Registrar No.2,
Marthandam,
Kanyakumari.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to proceedings of the 3rd respondent signed on 27.9.2013 and quash the same and consequently direct the respondents to release Doc.No.2167 of 2012 registered on the file of the 5th respondent.

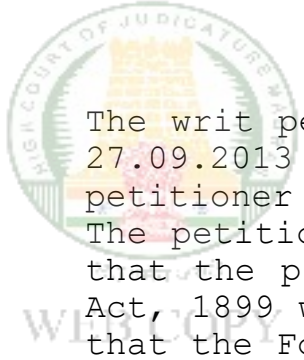
For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

1.Heard the learned counsel on either side.

2.The writ petitioner purchased the property from one D.Vijayam and sale deed dated 03.09.2012 was executed in his favour. It was presented for registration before the fifth respondent herein. The documents was however not released on the ground of undervaluation.



The writ petitioner in this writ petition questions the order dated 27.09.2013 issued by the third respondent calling upon the petitioner to pay a sum of Rs.2,13,800/- towards deficit stamp duty. The petitioner questions the impugned order primarily on the ground that the procedure laid down under Section 47A of the Indian Stamp Act, 1899 was not followed. There is nothing on record to indicate that the Form I and II under the Tamil Nadu Stamps (Prevention of Undervaluation of Instruments) Rules, 1968, were served on the writ petitioner. Therefore on that sole ground the order impugned in this writ petition is quashed. The matter is remitted back to the file of the third respondent to pass orders afresh in accordance with law.

3.The writ petition stands allowed with these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P AND A)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Inspector General of Registration,
Santhome, Mylapore,
Chennai - 600 028.
 - 2.The Deputy Inspector General of Registration,
Department of Registration,
Tirunelveli.
 - 3.The Special Deputy Collector (Stamps),
Tirunelveli.
 - 4.The Special Tahsildhar (Stamps),
Division II, Nagercoil,
Kanyakumari District.
 - 5.The Joint Sub-Registrar No.2,
Marthandam,
Kanyakumari.
- +1cc to Mr.N.Dilip Kumar, Advocate, SR.No.57546
+1cc to M/s.Special Government Pleader,SR.No.57754

W.P. (MD) No.6862 of 2019
28.03.2019