

**Before the Madurai Bench of Madras High Court**

Dated : 19.07.2019

Coram:

The Hon'ble Mr. Justice **M.S.RAMESH****WMP. (MD) No.6748 of 2019**

in

Review Application (MD) SR. No.27498 of 2019

in

W.P. (MD) No.5146 of 2018

A.Livingston

.. Petitioner

Vs.

1. The Edalakudi Sub-Registrar,
Kanyakumari, Nagercoil,
Kanyakumari District.
2. The Special Deputy Collector (Bond),
Tirunelveli.
3. The Inspector General of Registration,
President of Registration,
100, Santhome High Road,
Chennai-28.

.. Respondents

Prayer: Petition filed under Section 5 of the Limitation Act, to condone the delay of 208 days in filing the Review Petition.

Prayer in Review Application (MD) SR. No.27498 of 2019:

Revises petition filed under order 47 Rule 1 & 2 R/W Section 114 of CPC., praying to Review the order passed by this Hon'ble Court dated 31.07.2018 in WP(MD).No.5146/2018 and set aside the same.

Prayer in WP(MD). 5146/ 2018 :

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing to the respondents pass the order to return the registered sale deed No.1269 of 2012 dated 30/03/2012 on payment of Rs.4080/- for Registration charges without insisting the next day increased registration charges of Rs.1,44,000/- within the time stipulated time as this Court.



For Petitioner : Mr.K.Ramamurthy

For Respondents : Mr.M.Murugan

Govt. Advocate (Registration)

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O R D E R

This matter has been heard through Video Conferencing today. Heard Mr.K.Ramamurthy, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate (Registration) appearing on behalf of the respondents.

2. Though the application seeking to condone the delay has been listed today, the learned counsel for the petitioner made a submission on the merits of the Review Petition itself.

3. It is the submission of the learned counsel for the petitioner that on the date of presentation of the sale deed, the subject property was properly valued and subsequently, when the market value came to be enhanced, there was no justification on the part of the respondents to claim registration charges at the enhanced rate. In case, the enhancement of the market value over the subject property was subsequent to the date of presentation of the sale deed over the subject property, the respondents may not be justified in claiming the stamp duty as deficit stamp duty since the market value on the date of presentation was properly referred in the sale deed and the stamp duty was remitted.

4. Nevertheless, when the Writ Petition came to be disposed on 31.07.2018, it was brought to the notice of this Court that the order of the second respondent seeking for deficit stamp duty on the enhanced market value, was confirmed by the third respondent. It is in this background, the Writ Petition was dismissed with liberty to challenge the third respondent's order. Since the third respondent had already confirmed the order of the second respondent and the prayer sought for in the Writ Petition is only for a Mandamus, this Court had granted liberty to the petitioner to challenge the order of the third respondent and thereby, closed the Writ Petition. This cannot be said to be a ground which could be reviewed.

5. In view of the above, no useful purpose will be served in allowing the petition seeking to condone the delay since the Review Petition itself is addressed before this Court and this Court is also of the view that the Review Petition cannot be entertained. Hence, the delay petition stands dismissed.



Consequently, the Review Application filed by the petitioner in Rev. Applw (MD) SR.27498 of 2019 stands rejected.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Edalakudi Sub-Registrar,
Kanyakumari, Nagercoil,
Kanyakumari District.
2. The Special Deputy Collector (Bond),
Tirunelveli.
3. The Inspector General of Registration,
President of Registration,
100, Santhome High Road,
Chennai-28.

Order made in

WMP. (MD) No.6748 of 2019
in
Rev.Appl. (MD) SR. No.27498 of 2019
in W.P. (MD) No.5146 of 2018
19.07.2019

DP/AAV

AE/(13.08.2019) 3P 4C