



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMARW.P.(MD)No.13715 of 2017

PL.Adaikappa Chettiyar

... Petitioner

-Vs-

1.The Inspector General of Registration/
Chief Controlling Revenue Authority,
100, Santhome Road,
Pattinapakkam, Chennai.

2.The Joint Sub Registrar,
(District Registrar Cadre) cum
Collector (Indian Stamp Act),
District Registrar Office,
Madurai (South), Madurai.

3.The Special Duty Collector (Stamps)
Collectorate Office, Madurai.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 2nd respondent to remove/delete the endorsement made by the 2nd respondent dated 11.02.2009 on the petitioner's sale deed bearing Doc.No.1026/2009 dated 21.05.2007 on the basis of the petitioner's representation dated 19.09.2016 within the time stipulated by this Court.

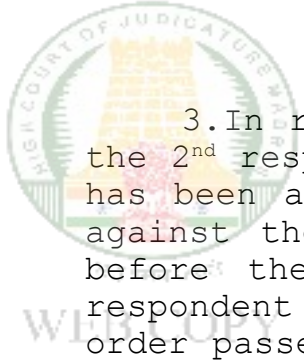
For Petitioner : Mr.S.Pala Ramasamy

For Respondents : Mr.M.Murugan, Govt. Advocate

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 2nd respondent to remove/delete the endorsement made by the 2nd respondent dated 11.02.2009 on the petitioner's sale deed bearing Doc.No.1026/2009 dated 21.05.2007 on the basis of the petitioner's representation dated 19.09.2016 within the time stipulated by this Court.

2.Heard Mr.Pala.Ramasamy, learned counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.



3. In respect of the document No.1026 of 2009 dated 21.05.2007, the 2nd respondent made endorsement on 11.02.2009 stating that there has been a deficit stamp duty to the extent of Rs.5,65,790/-. As against the said endorsement, the petitioner preferred a revision before the 1st respondent, which was partly allowed by the 1st respondent on 14.10.2019. Against the un-allowed portion in the order passed by the 2nd respondent, the petitioner preferred CMA(MD) No.65 of 2012, where, this Court, by order dated 23.11.2012 allowed the said appeal, whereby, the endorsement of the 2nd respondent in the said sale deed, directing the petitioner to pay entire excess stamp duty, has been erased or set aside by this Court and in that view of the same, the petitioner seeks direction from this Court to the 2nd respondent to remove the endorsement made in the sale deed.

4. I have heard the learned Government Advocate appearing for the respondents, who would submit that, pursuant to the order passed by this Court allowing the CMA filed by the petitioner, dated 23.11.2012, necessary steps would be taken by the 2nd respondent to remove the endorsement made in the sale deed in question of the petitioner, within a time frame.

5. Considering the said submissions made by both sides and by taking into account the factual matrix of the case, this Court is inclined to pass the following order:

"The 2nd respondent is hereby directed to take necessary steps to remove the endorsement stating that the petitioner has to pay the excess stamp duty as has been stated therein in the document No.1026 of 2009 dated 21.05.2007 and the needful shall be done, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that the aforesaid direction is subject to review filed by the respondents already, if any."

6. With this direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector General of Registration/
Chief Controlling Revenue Authority,
100, Santhome Road,
Pattinapakkam, Chennai.



2.The Joint Sub Registrar,
(District Registrar Cadre) cum
Collector (Indian Stamp Act),
District Registrar Office,
Madurai (South), Madurai.

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3.The Special Duty Collector (Stamps)
Collectorate Office, Madurai.

+2 TO Mr.Pala.Ramasamy, Advocate, Sr No.75570 & 75147

Order made in
W.P.(MD)No.13715 of 2017
Dated:11.07.2019

Arul
MS/03.09.2019/3P.6C