

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2020

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.10710 to 10712 of 2012

1.B.Gowri ...Petitioner in W.P.No.10710/2012
2.P.Balagurunatha ...Petitioner in W.P.Nos.10711 & 10712/2012

Vs.

Sub-Registrar,

No.1 Office of the Assistant Sub-Registrar of Assurances,

Kallakurichi. ...Respondent in all WPs.

Common Prayer: Petition filed under Article 226 of the Constitution of India praying for writ of mandamus, directing the respondent to dispose off the representation of the petition dated 26.12.2011 and direct the respondent of the rectification deed dated 07.08.2008 and registered a document No.1331 of 2008, 1348 of 2008 & 1347 of 2008 respectively to the petitioner.

For Petitioners : M/s.V.Sasirekha in all Wps
For Respondent : M/s.P.P.Purushothaman in all Wps.

COMMON ORDER

Heard M/s.V.Sasirekha, learned counsel for the petitioners and M/s.P.P.Purushotham, learned Government Advocate for the respondent.

2. The petitioners seek for a direction from the respondent to consider their representation dated 26.12.2011 as directing the respondent to register and release the rectification deed dated 07.08.2008. According to the petitioners, the Additional Stamp Duty cannot be demanded on the said rectification deed. In this regard, it is noteworthy to point out that the Inspector General issued circular pointing out under which circumstances Additional Stamp Duty can be demanded.

3. The learned counsel for the petitioners submitted that there is no change of identity in the property but mistake occurred in the survey No.482/17 patta No.1065 and location of

the property is not changed and the extent is also not changed. Thus, if the said contention is factually correct then the case of the petitioner will not fall under Section 47B of Indian Stamp Act, 1899.

4. The learned counsel for the respondent submitted that at present the document has been referred to under Section 47 (A) of the Act and orders have already been passed in the year 2012.

5. The learned counsel for the petitioners submit that the petitioners are not aware of any such order. In any event, since the representation is pending and there is a circular which has been issued in the year 2014, there will be a direction to the petitioners to submit a fresh representation along with the copy of this order and the same shall be submitted within a period of three weeks. Then the respondent shall send a reply to the representation clearly setting out factual aspects to enable the petitioners to work out their remedies in accordance with law.

6. Accordingly, all the writ petitions stand disposed of. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Pns
To

The Sub-Registrar,
No.1 Office of the Assistant Sub-Registrar of Assurances,
Kallakurichi.

+1 CC to Govt. Pleader sr 24331.

+3 Ccs to Mr.V. Sasi, Advocate sr 23988, 23989, 23990.

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PVS (CO)

SP(19/08/2020)