

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

Date : 27.08.2020

THE HONURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.11543 of 2020 & W.M.P.14116 of 2020

M.M.Sikka @ Manmohan Sikka
S/o.LateHansraj Sikka

... Petitioner

vs.

1. The District Registrar,
Chennai Central Zone,
Registration Department,
Pycrofts Road, Triplicane,
Chennai.

2. The Sub Registrar,
Mylapore Sub Registrar Office,
Bharathidasan Road, Mylapore,
Chennai - 4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus directing th respondent hereinto return the registered document bearing document P.No.2 of 2020 dated 28.01.2020 registered with the respondent herein to the petitioner expeditiously.

For Petitioner : M/s.Vijayand Associates

For Respondents : Mr.T.M.Pappaiah

Special Government Pleader

ORDER

This writ petition is filed for issue of Writ of Mandamus directing the respondents to register the settlement deed presented by the petitioner and to return the same to the petitioner.

2. It is seen from the records that the petitioner had settled his property in favour of his wife and three daughters by executing a settlement deed dated 28.01.2020. It was presented for registration before the second respondent. The second respondent received the document and it was forwarded to the first respondent. The first respondent by notice dated 18.06.2020 informed the petitioner that there is a deficit stamp

duty and called for explanation from the petitioner as to why the deficit stamp duty should not be recovered from the petitioner. On receipt of this notice, the petitioner had submitted a detailed objection on 24.07.2020. After the petitioner had submitted the objections, there is no response from the respondents. Therefore, the petitioner had approached this Court to direct the respondent to return the documents after registration.

3. Heard Mr.Kumar, learned counsel appearing on behalf of the petitioner and Mr.Pappaiah, learned Special Government Pleader, appearing on behalf of the respondents.

4. Taking into consideration the facts and circumstances of the case and also the fact that the first respondent has already issued notice for recovery of deficit stamp duty and the petitioner has also submitted his objections, there shall be a direction to the first respondent to deal with the objections submitted by the petitioner and pass appropriate Orders strictly in accordance with law within a period of four weeks from the date of receipt of a copy of this Order. The first respondent shall afford an opportunity of hearing to the petitioner before passing final Orders.

5. This Writ Petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vrc

To

1. The District Registrar,
Chennai Central Zone,
Registration Department,
Pycrofts Road, Triplicane,
Chennai.

2. The Sub Registrar,
Mylapore Sub Registrar Office,
Bharathidasan Road, Mylapore,
Chennai - 4.

+1 cc to The Government Pleader, Sr.No. 28327

W.P.No.11543 of 2020

BP(CO)

RMP (08/10/2020)