

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.3900 of 2021

G.KrishnaBabu

...Petitioner

Vs

1.The Tahsildar,
Poonamallee Taluk,
Chennai - 600 056.

2.The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.

3.The District Collector,
Thiruvallur District.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents 1 and 2 to dispose the representation dated 13.02.2017 seeking for refund of stamp duty charges within a time period fixed by this Court.

For petitioner ... Mr.M.V.Seshachari

For Respondent ... Mr.V.Shanmuga Sundar,
Special Government Pleader

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents 1 & 2 to dispose of the petitioner's representation dated 13.02.2017 seeking for refund of stamp duty charges within a time frame to be fixed by this Court.

2. Mr.V.Shanmuga Sundar, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3. The petitioner claims that he and his sister G.Saraswathi and brothers G.Krishnavel and Mr.G.Natarajan intended to partition their property situated at Ayanambakkam Village, previously Maduravoyal Taluk presently Poonamallee Taluk,

Thiruvallur District and therefore, they jointly purchased stamp papers totally amounting to Rs.1,00,100/- on 19.07.2016. Since the registration of the said partition deed did not proceed, they surrendered stamp papers and sought for refund. According to the petitioner, the Tahsildar, Maduravoyal Taluk has also forwarded the petitioner's representation seeking for refund of unused stamp papers to the District Registrar, Central Chennai Registration District, Royapettah, vide his letter dated 02.06.2017. According to the petitioner, the District Registrar, Central Chennai Registration District, Royapettah vide his letter dated 12.06.2017 also certified the genuineness of the the stamp paper.

4. It is also the case of the petitioner that Tahsildar, Maduravoyal Taluk by his letter dated 23.06.2018 has also recommended the refund to the Revenue Divisional Officer, Ambattur Division requesting him to sanction a sum of Rs.90,090/- (1,00,100 - 10,010) that is after deducting 10% of the stamp value. According to him, till date no final orders have been passed by the Revenue Divisional Officer, Ambattur Division with regard to the request made by the petitioner for refund of unused stamp papers. According to the petitioner, it come to his knowledge that the subject property has been transferred from the limits of Maduravoyal Taluk to Poonamallee Taluk and therefore, the orders will have to be passed with regard to refund sought for by the petitioner only by the Tahsildar, Poonamallee Taluk, Chennai 56, namely the first respondent herein. According to the petitioner, he gave a representation on 17.06.2019 to the first respondent seeking for refund of stamp duty. It is his case that till date, his representation has not been considered. In such circumstances, he has filed this writ petition.

5. Heard Mr.M.V.Seshachari, learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader for the respondents.

6. The petitioner claims that he has sought for refund of unused stamp papers amounting to Rs.1,00,100/-. It is also his case that the Tahsildar, Mylapore Taluk vide his letter dated 26.03.2018 has also recommended for refund to the Revenue Divisional Officer, Ambattur Division requesting him to transfer a sum of Rs.90,090/- (1,00,100 - 10,010) that is after deducting 10% of the stamp value. According to the petitioner, till date, despite the recommendation, the first respondent has not passed any final orders. The petitioner has given representation on 17.06.2019 to the first respondent seeking for refund of unused stamp papers. Admittedly, the said representation has not been considered till date.

7. No prejudice will be caused to the respondents, if the petitioner's representation dated 17.06.2019 is considered on merits and in accordance with law within a time frame to be fixed by this Court.

8. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 17.06.2019 requesting the first respondent to refund the value of unused stamp papers amounting to Rs.1,00,100/- and pass final orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
Poonamallee Taluk,
Chennai - 600 056.

2.The Revenue Divisional Officer,
Thiruvallur Division,
Thiruvallur.

3.The District Collector,
Thiruvallur District.

+1cc to Mr.M.V.Seshachari, Advocate, S.R.No.11869

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SR II (CO)
KKV/18/03/2021

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