

In the High Court of Judicature at Madras

Dated: 12.03.2021

Coram

The Honourable Mr. Justice S.M.SUBRAMANIAM
C.M.A.No.2778 of 2013
and
M.P.No.1 of 2013 & CMP.No.8172 of 2020

1.K.Sendivellan

2.N.R.Kumaraguru ... Appellants

Vs.

1.The Chief Revenue Controlling Authority &
Inspector General of Registration,
Santhome,
Chennai-600 028.

2.The Special Deputy Collector (Stamps),
Chennai-600 001. ... Respondents

Prayer: This Civil Miscellaneous Appeal is filed under Section 47-A(10) of the Indian Stamp Act, 1899, to set aside the order passed in Pa.Mu.No.18310/N1/2011 dated 27.06.2013 served on 13.07.2013, on the file of the first respondent herein.

For Appellants : Mr.J.R.K.Bhavanantham

For Respondents : Mr.T.M.Pappiah
Spl. Government Pleader

J U D G M E N T

The order impugned dated 27.06.2013 reveals that two documents in Document No.763 and 764/99 dated 03.02.1999 were registered. The subject property situates nearby Avadi-Poonamallee Highway. Considering the development in Sub-Urban areas which are adjacent to Chennai City, the Inspector General of Registration taking into consideration of the facts and circumstances of the case, made a findings that the subject property is surrounded by residential buildings and for more than 20 years, there was no cultivation in the subject property.

Also taking note of the fact that the property is situated 2 Kms from Avadi Bus-stand which is already developed, fixed the stamp duty at Rs.134/- per square feet.

2. The learned counsel appearing on behalf of the appellants made a submission that the appellants are willing to pay the stamp duty as assessed in the impugned order and interest alone may be waived. The learned Special Government Pleader appearing for the respondents made a submission that in respect of pending litigation, no interest will be charged. Taking note of these facts, this Court is of the opinion that the appellants are bound to pay the stamp duty as determined by the Competent Authority and the registration charges, within a period of two months from the date of receipt of a copy of this order and on receipt of payment, by following the procedures, the respondents are directed to release the documents within a period of two weeks thereafter. Accordingly, the Civil Miscellaneous Appeal filed in CMA.No.2778 of 2013 stands disposed of. Consequently, connected Miscellaneous Petition s are closed. There shall be no orders as to costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

DP
To

1.The Chief Revenue Controlling Authority &
Inspector General of Registration,
Santhome,
Chennai-600 028.

2.The Special Deputy Collector (Stamps),
Chennai-600 001.

3.The Record Keeper,
V.R. Section, High Court,
Madras.

+1cc to the Government Pleader Sr.16705

+1cc to Mr.J.R.K.Bhavanantham, Advocate Sr.15998

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srg 08/04/2021