



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P.No. 4912 of 2021

Sree Visalam Chit Fund Limited,
through its
The Director C.T.Nadarajan
S/o. Chithamparam Chettiyar ... Petitioner

Versus

1. The Inspector General of
Registration,
O/o. The Registration Department,
Pattinapakkam, Chennai.
2. The Joint Sub-Registrar No.2,
Cuddalore, Cuddalore Dt. ... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to consider the petitioner representation dated 29.06.2020 and to refund the amount of Rs.43,060/- in favour of the petitioner, which was excessively collected by the 2nd respondent during the registration of the receipts No.1763/2020 dated 11.06.2020 and 1796/2020 dated 28.05.2020.

For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Mr.Yogesh Kannadasan,
Govt. Advocate

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed seeking a direction directing the 1st respondent to consider the petitioner representation dated 29.06.2020 and to refund the amount of Rs.43,060/- in favour of petitioner, which was excessively collected during the registration.

2. The grievance of the petitioner is that, the petitioner



chit is a registered Chit Fund Company, earlier, they have registered various chits before the 2nd respondent Joint Sub-Registrar, Cuddalore. Alleging that, the 2nd respondent collected excessive sum to the tune of Rs.43,060/-, which is not contemplated under the Stamp Act, the petitioner has submitted a representation to the 1st respondent seeking to refund that amount. But, so far, his representation was not considered and no order has been passed on it. Hence, the present Writ Petition has been filed by the petitioner.

3. Since the chit has been registered by the 2nd respondent, he is the competent authority to consider the claim for refund of amount. Instead of making representation to the 2nd respondent, the petitioner has submitted representation to the 1st respondent, he is only an appellate authority. In the above circumstances, the petitioner is directed to make appropriate representation to the 2nd respondent seeking for refund of eligible amount, if any within a period of two weeks from the date of receipt of copy of this order. If any such representation is filed, the 2nd respondent is directed to consider the same and pass suitable orders on merits in accordance with law after giving opportunity to the petitioner within a period of eight weeks thereafter. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Inspector General of
Registration,
O/o. The Registration Department,
Pattinapakkam, Chennai.
2. The Joint Sub-Registrar No.2,
Cuddalore, Cuddalore Dt.

+lcc to Mr.K.Sudalaiyandi, Advocate, S.R.No. 28581
+lcc to the Government Pleader, S.R.No. 28738

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PL(CO)
GN(20/07/2021)