



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.6380 OF 2021

Ramesh C.Soningara

... Petitioner

.Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
RA Puram, Chennai - 600 028.

2. The District Registrar (Admn),
Chennai-South,
Guindy Industrial Estate,
Chennai - 600 032.

3. The Sub-Registrar,
Kunrathur,
Kanchipuram District - 600 069.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to refund a sum of Rs.2,27,710/- to the petitioner which was paid towards stamp duty and registration charges for registration of sale deed No.4682 of 2010 on the file of the 3rd respondent by considering the petitioner's representation dated 27.12.2019.

For Petitioner .. Mr.Bharathiraja
For Mr.R.Karunakaran

For Respondents .. Mr.K.M.D.Muhilan,
(Govt.Advocate)

ORDER

The petitioner had purchased lands in S.No.1202/1 measuring to an extent of 1.13 acres at Kunrathur Village in an Auction Sale conducted by the Debts Recovery Tribunal-II, Chennai, on 03.08.2006 in D.R.C.No.44 of 2007 in O.A.No.494 of 2007.



2. The sale certificate was also issued on 23.04.2010 and that was registered on 30.04.2010 in the office of the Sub-Registrar, Kunrathur by Document No.4682 of 2010. The petitioner's grievance is that he had been called upon to pay a stamp duty of Rs.1,95,000/- at the time of registration of the stamp duty, quite apart from paying another sum of Rs.32,650/- towards registration charges.

3. As is always done and as is excepted, a third party entered into the fray and filed an application to set aside the sale certificate. They were successful. The sale certificate was actually set aside and the petitioner lost out on the land, which he thought he had actually purchased. The Recovery Officer of DRT had issued a letter giving a direction to the 3rd respondent namely, the Sub-Registrar to refund the stamp duty paid and the registration charges paid by the writ petitioner herein.

4. Mr.K.M.D.Muhilan, learned Government Advocate however contends that such return is not possible, in view of the fact that registration of the sale certificate itself was optional and so far as the authorities particularly the Sub-Registrar is concerned they have performed their duty by registering the sale certificate and stamp duty was collected towards the value of the property mentioned in the sale certificate and registration charges were collected towards effecting registration of such sale certificate. It is therefore claimed that there is no obligation on the part of the Sub-Registrar, Kunrathur, to return back either the stamp duty or the registration charges collected from the petitioner herein.

5. On cancellation of the sale certificate by an order of Court, however the petitioner appears to have given a representation on 20.01.2020 seeking refund of the amount. He had actually given earlier representations from the year 2014. He had given a representation on 14.10.2014. Another representation on 12.12.2014 and third representation on 27.12.2019. He also sent a representation by post on 20.01.2020. There is also a possibility of the representations being misplaced. A request is therefore placed on the revision petitioner to forward a fresh representation enclosing the earlier representations to the 2nd and the 3rd respondents and an obligation is placed on the 2nd respondent/District Registrar (Admn), Chennai-South, Guindy Industrial Estate, Chennai, to pass a considered order after hearing the petitioner within a period of 12 weeks from the date of receipt of the fresh representation copy from the petitioner herein. Simultaneously, the petitioner may also forward a copy of this order to the 2nd respondent placing a similar request to dispose of the representation within a period of 12 weeks.



6. Let me not enter into the discussion on the merits, but only make a cursory record of the representations made by the learned counsels during the course of the hearing.

7. With the above observations, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

smv

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
RA Puram,
Chennai - 600 028.
2. The District Registrar (Admn),
Chennai-South,
Guindy Industrial Estate,
Chennai - 600 032.
3. The Sub-Registrar,
Kunrathur,
Kanchipuram District - 600 069.

+lcc to Mr.J.Bharathiraja, Advocate, S.R.No.37320
+lcc to Mr.R.Karunagaran, Advocate, S.R.No.37784
+lcc to the Government Pleader, S.R.No.38071

W.P.NO.6380 OF 2021

AD(CO)
PBS/23/08/2021