



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HON'BLE MRS. JUSTICE V. BHAVANI SUBBAROYAN

W.P.No.18070 of 2021

1. V.GirijaPandey

2. P.Vasundhara Devi @ Kanchana

... Petitioners

Vs.

1. The Secretary to Government of Tamil Nadu,
Commercial Taxes and Religious Endowments Department,
Fort. St.George, Chennai - 600 009.

2. The Inspector General of Registration.
Santhome High Road,
Foreshore Estate, Chennai - 600 028.

3. The Sub-Registrar,
T.Nagar Sub-Registrar's Office,
Anna Salai, Nandanam, Chennai - 600.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to dispose off the representation dated 16.09.2020 of the petitioners by refunding forthwith 50% of the stamp duty and 50 of the Registration Charges collected in excess from the petitioners together with interest at the rate of 6% p.a. on such excess amounts that were collected from the petitioners in respect of the Gift Settlement Deeds: (1) Document No.1996 of 2010 dated 17.09.2010; (2) Document No.27 of 2011 dated 07.01.2011 and (3) Document No.471 of 2018 dated 27.02.2018 (all registered on the file of the Sub-Registrar, T.Nagar, Chennai) or at such other higher percentage of interest as this Court may be pleased to award.

For Petitioner : Mr.A.S.Vijayaragavan

For RR1 to 3 : Mr.Yogesh Kannadasan
Government Advocate



ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 herein to dispose off the representation dated 16.09.2020 of the petitioners by refunding forthwith 50% of the stamp duty and 50 of the Registration Charges collected in excess from the petitioners together with interest at the rate of 6% p.a. on such excess amounts that were collected from the petitioners in respect of the Gift Settlement Deeds: (1) Document No.1996 of 2010 dated 17.09.2010; (2) Document No.27 of 2011 dated 07.01.2011 and (3) Document No.471 of 2018 dated 27.02.2018 (all registered on the file of the Sub-Registrar, T.Nagar, Chennai) or at such other higher percentage of interest as this Court may be pleased to award.

2. The petitioners gave a representation dated 16.09.2020 to the respondents requesting them to refund excess stamp duty and excess registration charges of Rs.38,75,026/- together with interest at the rate of 6% p.a., in respect of the Gift Settlement Deeds, namely, (i) Doc.No.1996 of 2010, dated 17.09.2010, (ii) Doc.No.27 of 2011, dated 07.01.2011 and (iii) Doc.No.471 of 2018, dated 27.02.2018. Since the said representation has not been considered by the respondents, hence, the petitioners seeking for appropriate relief by way of filing this writ petition.

3. The learned counsel appearing for the petitioners would submit that though this writ petition has been filed praying for a larger relief, it would be suffice if the representation of the petitioner is disposed of on merits and in accordance with law within the time stipulated by this Court.

4. The learned Government Advocate appearing for the respondents would submit that the representation of the petitioner will be considered in accordance with law.

5. In view of the above, without going into the merits of the claim made by the petitioners in this writ petition, the respondents are hereby directed to pass appropriate orders on the representation of the petitioner, dated 16.09.2020, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above directions, this Writ Petition is disposed of. Consequently, WMP.No.19303 of 2021 is also closed. No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

gba/msm

To

1. The Secretary to Government of Tamil Nadu,
Commercial Taxes and Religious Endowments Department,
Fort. St.George, Chennai - 600 009.
2. The Inspector General of Registration.
Santhome High Road,
Foreshore Estate, Chennai - 600 028.
3. The Sub-Registrar,
T.Nagar Sub-Registrar's Office,
Anna Salai, Nandanam, Chennai - 600 035.

+2ccs to Mr.A.S.Vijayaragavan, Advocate, S.R.No.54709

+1cc to the Government Pleader, High Court, Madras, S.R.No.55390

W.P.No.18070 of 2021

CA(CO)
SU(01/12/2021)