



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V BHAVANI SUBBAROYAN

W.P No.22000 of 2021

R.Chandrasekar

..Petitioner

Vs

1. District Revenue Officer,
Salem - 636 001.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
3. The Deputy General of Registration,
Salem-636 001.
4. The District Registrar (Administration),
District Registrar's Office,
Salem District (East),
Salem.
5. The Joint Sub-Registrar-I,
Registrar Office (Salem East),
Salem - 636 001.

..Respondents

Prayer: This Writ Petition is filed under Section 226 of Constitution of India to issue a Writ of Mandamus directing the 1st and 4th respondents to return the stamp fee and registration fee amount paid in respect of the pending document No.P117/2018 by considering representation dated 01.09.2020 along with interest and for consequential benefits.

For Petitioner : Ms.S.Harinyi

For Respondents : Mr.V.Veluchamy
Government Advocate



O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 1st and 4th respondents to return the stamp fee and registration fee amount paid in respect of the pending document No.P117/2018 by considering representation dated 01.09.2020 along with interest and for consequential benefits.

2. The case of the petitioner is that on 21.12.2018, he proceeded to register a sale deed at Sub Registrar office in Salem, the fifth respondent herein. He intended to purchase the property from his vendor A.M.Devaraj. As the son of the vendor D.Selvam lodged a protest petition, the sale deed was kept pending document No.P117/2018 is assigned to the pending document and the document was returned on 20.08.2020. The document presented on 21.12.2018 was not registered as the son of the vendor raised objections. In deference to the orders passed by the Sub Registrar in O.M.No.5652/A.Pa.Pi/2018 dated 13.02.2019 and the District Registrar in R.O.C.No.1777/A1/2019 dated 06.12.2019 the petitioner received the unregistered pending document No.P117/2018 on 20.08.2020. Thereafter, after the receipt of the document, the petitioner addressed a letter to the District Registrar, Salem (East) on 01.09.2020, for refund of Rs.2,20,270/-. On 08.01.2021, the District Registrar (Administration) addressed a letter to the District Revenue Officer, Salem stating that the latter alone is the competent authority for initiating refund of stamp duty Rs.1,40,000/-. On 01.02.2021, the petitioner submitted a petition in the office of the Collector addressed to the District Revenue Officer for refund of Rs.1,40,000/-. On 22.04.2021 the petitioner received a letter from the Deputy Collector (Stamps) Salem, asking him to approach the office of the District Registrar, Salem (East) for getting refund. Thus the authorities concerned made the petitioner from pillar to post, but he did not get the refund. The 4th respondent orally assured the petitioner that he would refund Rs.80,270/- and the balance of Rs.1,40,000/- should get from the 1st respondent. Even after a lapse of Two and a half years, petitioner was not able to receive any money which he is entitled. Hence, left with no other alternative remedy, the petitioner has filed the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and also perused the materials on record.

4. Without going into the merits of the case, this Court directs the 1st and 4th respondents to refund the stamp fee and registration fee amount, based on the particulars furnished by the petitioner, by considering the representation of petitioner



dated 01.09.2020 and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. District Revenue Officer,
Salem - 636 001.
2. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.
3. The Deputy Inspector General of Registration,
Salem-636 001.
4. The District Registrar (Administration),
District Registrar's Office,
Salem District (East), Salem.
5. The Joint Sub-Registrar-I,
Registrar Office (Salem East),
Salem - 636 001.

+5cc to Mr.G.Gopalakrishnan, Advocate, S.R.No.53729

+1cc to the Government Pleader, S.R.No.54256

W.P No.22000 of 2021

PVS(CO)
RGA(12/11/2021)