



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9139 of 2021

Joseph John Kennedy

... Petitioner

vs.

1)The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai-28.
2)The Deputy Inspector General of Registration,
Combined Registration Officer,
Rajagamberam,
Y.Othakadai,
Madurai.
3)The District Registrar,
Karaikudi,
Sivagangai District.
4)The Sub Registrar,
Thiruvadanai Registration Office,
Thiruvadanai,
Ramanathapuram District.
5)TATA Consultancy Services,
O/o, Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai-28.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to refund the amount of Rs.1,43,595/- deposited for sale deed through electronic transaction to the respondents in Transaction No.REG201907235443653 dated 23.07.2019 to the petitioner based on his representation dated 19.02.2021 within the stipulated time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.S.Balakarthick

For Respondents : Mr.P.Thilak Kumar

Counsel for Government of Tamil Nadu

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents to refund the amount of Rs.1,43,595/- deposited for sale deed through electronic transaction to the respondents in Transaction No.REG201907235443653 dated 23.07.2019 to the petitioner based on his representation dated



19.02.2021 within the stipulated time that may be fixed by this Court.

3.The learned counsel for the petitioner would state that the petitioner is an agriculturist and the property in S.No.39/2B1, Keeramangalam Village, Thiruvadanai Taluk, Ramanathapuram District, to an extent of 50 cents belongs to one Mariyadass Gasper and the said Mariyadass Gasper appointed the petitioner as power of attorney for the above said property. He would further state that one Ganesan approached the petitioner for purchase of the said property and accordingly, sale deed was drafted with consolidated registration charges of Rs.1,43,595/- and when it was presented for registration, it was refused stating that the said property was unapproved and therefore, the said Ganesan gave up the said purchase. Thereafter, the petitioner requested the 4th respondent to refund the registration charges, which was replied stating that it can be utilised for any other registration within one year and the petitioner accepted the same. Thereafter, for various reasons including the pandemic situation, since no one came forward to purchase the said property, the petitioner requested the 4th respondent to refund the registration charges who in turn directed to approach the 3rd respondent and when the petitioner approached the 3rd respondent with a representation, he turned down the request stating that the Transaction No.REG201907235443653 is shown as 'Not Valid' in the official website and further the request is belated. Hence, this writ petition.

4.The learned Government counsel for the respondents 1 to 4 would state that since the petitioner's request for refund of the registration charges was belated, it was rightly turned down.

5.Heard the learned counsel for the petitioner as well as the respondents 1 to 4.

6.Perusal of record shows that originally when the sale deed was presented by the petitioner for registration, it was refused stating that the property site was unapproved and therefore, the purchaser gave up the purchase of the above property. Thereafter, when the petitioner requested the 4th respondent to refund the registration charges, he had stated that it can be utilised for any other registration within one year and thereafter, for various reasons including the pandemic situation, no one came forward to purchase the said property and therefore, the petitioner requested for refund of the registration charges which was turned down stating that the request is belated.

7.Admittedly, the sale deed has not been executed and the registration charges submitted is pending with the 4th respondent and the petitioner is entitled for refund of the registration charges, as no sale document has been registered. Therefore, the respondents 1 to 4 are directed to refund the amount of Rs.1,43,595/- deposited for sale deed through electronic transaction



to the respondents in Transaction No.REG201907235443653 dated 23.07.2019, to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition is allowed. No costs.

WEB COPY

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1)The Inspector General of Registration,
Registration Department,
100, Santhome High Road,
Chennai-28.

2)The Deputy Inspector General of Registration,
Combined Registration Officer,
Rajagamberam,
Y.Othakadai,
Madurai.

3)The District Registrar,
Karaikudi,
Sivagangai District.

4)The Sub Registrar,
Thiruvadanai Registration Office,
Thiruvadanai,
Ramanathapuram District.

+1 CC to M/s.SPL GP (SR-18729[F] dated 03/06/2021)

W.P(MD)No.9139 of 2021

DATED : 02.06.2021

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KK(15.06.2021) 3P 6C