



W.P.No.16145 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANzxI**

W.P.No.16145 of 2022

V. Aiswaraya

. . . Petitioner

Vs.

1. The District Registrar (Administration)

Registration Department,  
O/o. District Registrar,  
Coimbatore.

2. The Sub Registrar,

Vadavalli,  
Marudhamalai Main Road,  
Coimbatore.

. . . Respondents

**PRAYER:**Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ in the nature of Mandamus directing the 1<sup>st</sup> respondent to consider and pass suitable orders on the petitioner explanation dated 23.02.2022 pertaining to his proceedings in Na.Ka.303/A1/2022 dated 07.02.2022 and consequently direct the respondents to register and release the settlement deed in Document No.73 of 2022 without demanding for additional fees.



W.P.No.16145 of 2022

For Petitioner : Mr.R.Sivakumar  
For Respondent : Mr. Yogesh Kannadasan,  
Special Government Pleader

**ORDER**

The present petition has been filed seeking a direction to the 1<sup>st</sup> Respondent to consider and pass orders on the petitioner's explanation dated 23.02.2022 and to further direct the respondents to register and release the settlement deed without demanding additional fees.

2. It is the case of the petitioner that the subject property of this Writ Petition originally belongs to the petitioner's grandparents. The said property was settled in favour of the petitioner by way of a settlement deed. Later, the petitioner having decided to settle the property back to his grandparents, had executed the settlement deed dated 17.12.2021. The said deed was registered by the 2<sup>nd</sup> respondent on payment of necessary charges towards registration. While that being so, notice dated 06.01.2022 was issued to the petitioner by the 2<sup>nd</sup> respondent stating that the benefit of a concessional rate of stamp duty cannot be claimed, when the settlement is



W.P.No.16145 of 2022

made outside the family members and therefore, the necessary stamp duty along with registration charges has to be paid based on the value of the property. The said notice was forwarded to the 1<sup>st</sup> respondent, pursuant to which, the petitioner was issued with proceedings dated 07.02.2022 seeking petitioner's explanation. Thereafter, the petitioner submitted his explanation dated 23.02.2022 to the 1<sup>st</sup> respondent, however, till date, no action has been taken on the same. Hence, the petitioner has come up with this Writ Petition.

3. Learned counsel for the petitioner submits that this Court may issue a direction to the respondents herein to consider and pass appropriate orders on the petitioner's explanation in the light of the order dated 23.10.2017 which came to be passed by the Division Bench of this Court in W.A.No.85 of 2015, within the time that may be stipulated by this Court.

4. Learned Special Government Pleader appearing for the respondents submits that petitioner's explanation will be considered in light of the order dated 23.10.2017 passed by the Division Bench of this Court in W.A.No.



W.P.No.16145 of 2022

85 of 2015 and appropriate orders will be passed within a period of six weeks.

5. In view of the order passed by the Division Bench of this Court in W.A.No.85 of 2015 dated 23.10.2017 in case of ***Inspector General of Registration & Chief Revenue Controlling Authority and Ors Vs R.Santhosh and Ors***, wherein, identical issue has been considered and held in favour of the petitioner therein, this Court is inclined to issue a direction to the 1<sup>st</sup> Respondent/District Registrar (Administration) to consider the explanation dated 23.02.2022 given by the petitioner, in the light of the order dated 23.10.2017 passed by the Division Bench of this Court in W.A.No. 85 of 2015 and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs.

**05.07.2022**

NHS

Index : Yes / No

Internet : Yes / No

4/6



WEB COPY



W.P.No.16145 of 2022

To

1. The District Registrar (Administration)  
Registration Department,  
O/o. District Registrar,  
Coimbatore.
2. The Sub Registrar,  
Vadavalli,  
Marudhamalai Main Road,  
Coimbatore.



WEB COPY



W.P.No.16145 of 2022

**M.DHANDAPANI, J.**

NHS

W.P.No.16145 of 2022

05.07.2022