



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15820 of 2014

M.P.1 & 2 of 2014

M.Gopalakrishnan

... Petitioner

Vs.

1. The Sub-Registrar,
Guduvanchery/Neelankarai,
Chennai - 600 041.

2. The Chief Controlling Revenue Authority &
Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600 028.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings/Appeal before the second respondent, culminating to the Impugned Notice of the first respondent dated 05.06.2014 and quash the same and direct the first respondent to complete the Registration formalities with respect to Doc.No.4075/2012 as stated under Schedule I, Article 58(a)(i) of the Indian Stamp Act, 1899.

For petitioner : Mr.K.Suresh Babu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The petitioner has filed this petition, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings/Appeal before the second respondent, culminating to the Impugned Notice of the first respondent dated 05.06.2014 and quash the same and direct the first respondent to



complete the Registration formalities with respect to Doc.No.4075/2012 as stated under Schedule I, Article 58(a)(i) of the Indian Stamp Act, 1899.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice for the respondents. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3. The case of the petitioner is that the petitioner is the grandson, he executed the Settlement Deed in favour of his Grandmother and presented a document before the first respondent. However, the first respondent registered the document and he demanded a sum of Rs.30,00,000/- by way of impugned order on the ground that as per Schedule I, Article 58 (a)(i) of the India Stamp Act, 1899. In the relationship of the family members, strict interference has to be applied and further observed, non-family members are not entitled to avail the benefit of Schedule I, Article 58(a)(i). The very same issue was came up for consideration before this Court in W.A.No.85 of 2015. The Hon'ble Division Bench of this Court held in favour of the petitioner. Since, the petitioner paid the entire amount, he wants to avail such benefit. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

4. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to work out his remedy as known to law.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to work out his remedy as known to law in order to avail the benefit of W.A.No.85 of 2015.

6. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

tri/nhs



To

1. The Sub-Registrar,
Guduvanchery/Neelankarai,
Chennai - 600 041.
2. The Chief Controlling Revenue Authority &
Inspector General of Registration,
Office of the Inspector General of Registration,
No.120, Santhome High Road,
Chennai - 600 028.

+1cc to the Government Pleader, S.R.No.18339

W.P.No.15820 of 2014
M.P.1 & 2 of 2014

GMR(CO)
SU(01/04/2022)