



W.P.No.27010 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.27010 of 2022

N.Rajeswari

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.Assistant Inspector General of Registration,
Registration Department,
Coimbatore Division,
First Floor, Kamarajar Road,
Red Fields, Puliakulam,
Coimbatore – 641 018.
- 3.District Registrar,
District Registration Office,
Nerupperuchal,
Thiruppur.
- 4.Sub Registrar,
Office of the Sub Registrar,
Udumalpet.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,



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praying for issuance of Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 23.06.2022 in compliance to the proceedings of the second respondent in Na.Ka.No.2849/A1/2022 dated 27.06.2022 and in compliance of the proceedings of the first respondent in letter No.20690/J1/2022 dated 02.08.2022 and thereby consequently direct the 3rd and 4th respondent to issue fresh proceedings taking into consideration the actual and correct market value of the property scheduled in Release Deed dated 13.05.2020 Registered as Doc.No.2978 of 2020 on the file of SRO Udumalpet and thereby to recalculate the deficit stamp duty and deficit registration fee which the petitioner is ready to remit and to clear the encumbrance over the document.

For Petitioner : Dr.R.Gouri

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

This writ petition has been filed for seeking issuance of Writ of Mandamus directing the third respondent to consider the petitioner's representation dated 23.06.2022 in compliance to the proceedings of the second respondent in Na.Ka.No.2849/A1/2022 dated 27.06.2022 and in compliance of the proceedings of the first respondent in letter



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No.20690/J1/2022 dated 02.08.2022 and thereby consequently direct the 3rd and 4th respondent to issue fresh proceedings taking into consideration the actual and correct market value of the property scheduled in Release Deed dated 13.05.2020 Registered as Doc.No.2978 of 2020 on the file of SRO Udumalpet and thereby to recalculate the deficit stamp duty and deficit registration fee which the petitioner is ready to remit and to clear the encumbrance over the document.

2. The case of the petitioner is that after the demise of her husband, the petitioner's mother in law executed a Release Deed dated 13.05.2020 vide Doc.No.2978 of 2020 in favour of the petitioner and her two minor children by relinquishing her 1/4th share over the property and registered the same by remitting a Stamp duty of Rs.25,000/- and Registration fee of Rs.4000/-. This being so, the fourth respondent issued a proceedings dated 13.12.2021, called upon the petitioner to pay an amount of Rs.2,37,140/- towards deficit Stamp Duty and Rs.36,020/- towards Registration fee in toto Rs.2,73,160/- by taking into consideration the market value of the property as Rs.4,02,23,880/- which mentioned in the document and thereby created encumbrance in respect of the Release Deed document. Then only the



petitioner came to know that the market value in the said Release Deed dated 13.05.2020 was mistakenly typed as Rs.4,02,23,880/- and the actual market value of the property is only Rs.59,78,565/-

2.1. Thereafter, appraising the above facts, the petitioner has submitted a detailed representation dated 23.06.2022 before the respondents 1 & 2 seeking to issue fresh proceedings by taking into consideration the actual and correct market value of the property and thereby to recalculate the deficit stamp duty and registration fee, which the petitioner is ready to remit and to clear the encumbrance over the document. Accordingly, the petitioner's representation dated 23.06.2022 was taken into file and the respondents 1 & 2 by proceedings dated 02.08.2022 and 27.06.2022, directed the third respondent to take appropriate steps. Subsequently, the petitioner has made another representation dated 16.08.2022 before the third respondent seeking the aforesaid relief by appraising the proceedings issued by the respondents 1 & 2, however, till date, no order was passed. Hence, this writ petition.

3. Learned counsel for the petitioner would submit that it would suffice



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if this Court issues direction to the third respondent to consider the petitioner's representation dated 23.06.2022 within a time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents has no objection for the said direction being passed by this Court.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. Taking into consideration the facts and circumstances, this Court without going into the merits of this case, directs the third respondent to consider the petitioner's representation dated 23.06.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction this writ petition is disposed of. No



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costs.

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Index : Yes/No
Speaking Order : Yes/No

M.DHANDAPANI,J.

vm

To:

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