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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.06.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.11137 of 2012

P.Shanthi ... Petitioner

Vs.

1. The Inspector General of Registration,
 Registration Department,
 Chennai – 600 028.

2. The Revenue Divisional Officer (Stamps)
 Thiruchirappalli.

3. The Joint Sub Registrar No.III
 District Registrar (Cadre),
 Sub Registrar Office No:III,
 Town Hall,
 Tiruchirappalli – 620 002. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notice of the third respondent in Notice No.1/2011 dated 10.11.2011 quash the same and Consequently, directing the respondents to return the Rectification Deed

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No.1021 of 2002, Joint SRO-III, Trichy dated 23.05.2002 to the petitioner.

For Petitioner : M/S.V.Janaki Devi
for Mr.T.S.R.Venkat Raman

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

The present writ petition has been filed challenging a notice issued by the third respondent, intimating the petitioner that a Samadhan Scheme is available which could be availed by the writ petitioner for payment of alleged deficit stamp duty in relation to a Rectification Deed dated 23.05.2002.

2. The present writ petition has been filed challenging the said notice on the ground that the Samadhan Scheme notice refers to a Government Order of the year 2011, to fix the stamp duty of a document of the year 2002. The learned Counsel for the petitioner further submits

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that in a sale deed dated 25.04.1997, instead of Survey No.72 it has been wrongly mentioned as Survey No.73. According to the learned Counsel for the petitioner, Survey Nos.72 and 73 are adjacent survey numbers warranting same guideline value and hence any change in survey number will not attract deficit stamp duty proceedings. According to the learned Counsel for the petitioner, there is no change in the extent of the property or the boundary of the property specified in the original sale deed dated 25.04.1997.

3. Per contra, the learned Government Pleader appearing for the respondents would contend that this is only an intimation given to the writ petitioner, so that, she can avail a concession scheme of the Government. If the petitioner is not willing to avail the said concession, she can always defend the 47-A proceedings initiated before Sub Collector (Stamp).

4. A perusal of the impugned notice dated 10.11.2011, indicates that it is only an intimation to the writ petitioner, so that, she

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can avail a concessional scheme of the Government. It is not mandatory for the writ petitioner to pay the amount as mentioned in the notice. If the petitioner has got any grievance, she can raise all her disputes in 47-A proceedings said to have been already initiated by the respondents. The impugned order is not executable and the amount cannot be recovered from the writ petitioner. The writ petition is devoid of merits and the same stands dismissed. However all the points raised by the writ petitioner could be very well raised in the proposed 47-A proceedings.

5. With the above said observations, the Writ Petition is dismissed. No costs.

22.06.2022

Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

jbr

To

1. The Inspector General of Registration,
   Registration Department,
   Chennai – 600 028.

2. The Revenue Divisional Officer (Stamps)
   Thiruchirappalli.

3. The Joint Sub Registrar No.III
   District Registrar (Cadre),
   Sub Registrar Office No:III,
   Town Hall,
   Tiruchirappalli – 620 002.

Order made in
W.P.(MD).No.11137 of 2012

22.06.2022

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