



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.20314 of 2021

M.Tirunavukarasu

...Petitioner

Vs.

1.The Inspector General of Registration,
Department of Registration,
Mylapore, Chennai.

2.The District Registrar, (Nirvagam), (u.pa.thu.tha),
Additional In Charge,
171, Palace road,
Madurai (South),
Madurai 625 001.

3.The Sub Registrar,
Tirupparankundram Sub Registrar Office,
Tirupparankundram,
Madurai.

...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 entire records pertaining to the impugned order No.611/A1/2021, dated 24.09.2021, issued by the second respondent and quash the same and consequently direct the second and third respondents to refund the due amount to the petitioner Rs.37,581/- paid through online in the Transaction No.REG202001138981783 on 13.01.2020 by the petitioner and fixing a time frame.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus, seeking interference with an order of the second respondent/the District Registrar, Madurai South, Madurai and consequently, direct the second and third respondents to refund the amount due to the petitioner, namely, Rs.37,581/-, which had been paid through online by the petitioner on 13.01.2020.



2.In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner had paid a sum of Rs.37,581/- through online for registration of a sale deed, which he wanted to present for registration. This amount was paid to the third respondent/the Sub Registrar, Tirupparankundram Sub Registrar Office, Madurai. The petitioner paid Rs.16,448/- towards stamp duty, Rs.20,828/- towards registration fees, Rs.175/- for computer fees, Rs.50/- towards kurunthagadu fees and Rs.80/- for sub division fees. The amount was also debited from the Bank account of the petitioner on 13.01.2020. The petitioner however, when he went to register the document, was informed that the amount was not credited to the account of the third respondent. Therefore, the petitioner had to pay the amount once again at the time of registration.

3.The petitioner thereafter, placed a request for refund of the amount, which he had paid. The impugned order had been passed refusing such repayment, on the ground that the amount was paid on 13.01.2020 and the amount cannot be refunded, because the application for refund was submitted on 09.02.2021, after the lapse of one year.

4.However, it is pointed out by the learned Counsel for the petitioner that though the amount was paid on 13.01.2020, he had received acknowledgement only on 02.02.2021. It is stated by the learned Counsel for the petitioner that when an audit was conducted by the second respondent, it was found that the said amount had been retained in the office of the third respondent and immediately thereafter, they had sent the acknowledgement for payment of the amount, which acknowledgement itself was beyond the period of one year. The learned Counsel for the petitioner therefore, stated that the petitioner cannot be faulted on the ground of limitation and denied refund.

5.Heard Mr.R.Ramasamy, the learned Counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader for the respondents.

6.The facts are simple. The facts are straight forward. The petitioner wanted to register a document. The charges including stamp duty, registration fees and other charges amounted to Rs.37,581/-. The petitioner paid the amount through online. He went for registration of the document. He was informed that the amount was not available in the account of the third respondent. The petitioner therefore, paid the amount by cash. The petitioner thereafter, demanded return of the amount paid through online. That demand had been placed within a period of one year. There was an obligation on the third respondent to examine the accounts and return back the amount. The acknowledgement actually came after a period of one year i.e., 02.02.2021, when the amount was detected. Naturally, the fault is on the third respondent.



7.A direction is therefore given to the second respondent to set aside the impugned order and direct the third respondent to refund the amount of Rs.37,581/-, within a period of twelve weeks from the date of receipt of a copy of this order to the petitioner.

8.Mr.D.Ghandiraj, learned Special Government Pleader stated that since there is limitation period fixed was one year and this Court had rejected the contention that the said period of limitation applied to the petitioner, the benefit of this order should not be treated as a precedent. Such statement is recorded.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

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,
Department of Registration,
Mylapore, Chennai.

2.The District Registrar, (Nirvagam), (u.pa.thu.tha),
Additional In Charge,
171, Palace road,
Madurai (South), Madurai 625 001.

3.The Sub Registrar,
Tirupparankundram Sub Registrar Office,
Tirupparankundram, Madurai.

+1 CC to M/s.SPL.GP (SR-753[F] dated 07/01/2022)

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