



WEB COPY

W.P.(MD) No.3402 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.3402 of 2017

and

W.M.P. (MD) No.2772 of 2017

P.Mookan

... Petitioner

/vs./

The Sub Registrar,
Manachanallur Taluk,
Trichy District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the proceedings of the Respondent made in Document No.1427 of 2016 dated 21.06.2016 and quash the same.

For Petitioner	:	R.Murali for Mr.K.Govindarajan
For Respondent	:	Mr.K.S.Selvaganesan Additional Government Pleader

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondent.

2.The petitioner had purchased the petition mentioned land, vide sale deed dated 18.04.2016. According to the petitioner, the land purchased by him is an agricultural land. He also paid the stamp duty by value of the same accordingly. But the Registering Authority issued the impugned memorandum dated 21.06.2016 calling upon the petitioner to pay additional stamp duty.

3.The contention of the petitioner's counsel is that if the Registering Authority is of the view that there is a shortfall in the payment of the stamp duty, he must refer the matter under Section 47-A of the Indian Stamp Act, 1899 to the Special Deputy Collector (Stamps). He cannot make a demand on his own.

4.The learned Additional Government Pleader appearing for the respondent states that the matter since has been referred to the competent authority under Section 47-A of the Indian Stamp Act on 19.02.2017 itself.

5.In any event, the impugned communication is clearly without jurisdiction. It is quashed. The writ petition is allowed accordingly. Of course, the outcome of the writ petition will not



have any bearing on the Section 47-A of the Indian Stamp Act. No costs. Consequently, connected miscellaneous petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (P&A)

/06/2022

Sub Assistant Registrar(CS)

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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

The Sub Registrar,
Manachanallur Taluk,
Trichy District.

+1 CC to M/s.SPL.GP (SR-25109[F] dated 10/06/2022)

W.P. (MD) No.3402 of 2017
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SB(CO)

GC(23.06.2022) 2P 3C