IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.9907 of 2023

1.Mrs.I. Rukshana

2.I. Afreen

3.Minor I. Rehaan ... Petitioners

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Fort St. George, Chennai – 600 005.

2.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Santhome, Chennai – 600 004.

3.The Sub Registrar,
Mylapore,
Chennai – 600 004. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the representation dated 29.09.2022 and direct the respondents to refund the excess stamp duty and registration fee of Rs.9,00,500/- paid by petitioners towards the registration of the Sale Certificate under Doc. No.3170 of 2021, SRO, Mylapore.

For Petitioners : Mr.M. Vijayamehanath

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader, takes notice for the respondents. With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioners herein have given a representation to the respondents on 29.09.2022, requesting to refund the excess stamp duty and registration fee of Rs.9,00,500/- paid by them towards the registration of the Sale Certificate under Doc. No.3170 of 2021 dated 06.10.2021, SRO, Mylapore. Since the said representation was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon them to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the second respondent, to consider the petitioners' representation dated 29.09.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioners and that it is open to the concerned respondent to consider the same on its own merits.

M.S.RAMESH, J.

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5. With the above direction, the Writ Petition stands disposed of. No costs.

30.03.2023

Speaking/Non-speaking Order
Internet: Yes/No
Index: Yes/No
Neutral Citation: Yes/No

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To

1.The Secretary to Government of Tamil Nadu,
Commercial Taxes and Registration Department,
Secretariat, Fort St. George, Chennai – 600 005.

2.The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Santhome, Chennai – 600 004.

3.The Sub Registrar,
Mylapore,
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