



WEB COPY

W.P.No.12810 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12810 of 2023

and

W.M.P.No.12614 of 2023

A.Asoka Hariharan

... Petitioner

Vs.

The Sub Registrar,
Mannargudi,
Tiruvarur District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent in RFL/Mannargudi/Nagapattinam/59/2023 dated 31.03.2023 and quash the same as illegal, arbitrary and against the provisions of the Act and further direct the respondent to register the document returned in RFL/Mannargudi/Nagapattinam/59/2023 on 31.03.2023.

For Petitioner

: Mr.K.Soundara Rajan

For Respondent

: Mr.P.Sanjay Gandhi
Government Advocate



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ORDER

The impugned refusal check slip issued by the respondent in proceeding dated 31.03.2023 is sought to be quashed in the present writ petition.

2. The petitioner presented a sale deed for registration. The respondent returned the document along with the impugned refusal check slip on the ground that the previous document was valued at Rs.77,01,227/- and the document presented by the petitioner was not a valid property and there is a deficit of stamp duty.

3. In respect of deficit of stamp duty identified by the Registering Authority, the document is to be referred under Section 47-A of the Indian Stamp Act, 1899 for adjudication. Thus, the respondent in the event of identifying the deficit stamp duty in a document is empowered to refer the same to the competent authority under Section 47-A of the Indian Stamp Act.

4. In the present case, the respondent shall do so. Contrarily, he cannot return the document to the petitioner compelling the petitioner to pay the



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stamp duty as demanded by the Sub Registrar. Thus, the respondent is directed to refer the document presented by the writ petitioner under Section 47-A of the Indian Stamp Act for an adjudication under the provisions of the Act. The petitioner is at liberty to represent the document before the respondent, who in turn shall refer the same to the competent authority. On such presentation, the respondent shall register the same and refer the document for adjudication under Section 47-A of the Indian Stamp Act.

5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Sub Registrar,
Mannargudi,
Tiruvarur District.



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S.M.SUBRAMANIAM, J.

Jeni

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