IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14511 of 2018
and
W.M.P.No.17114 of 2018

Dinesh Kumar ... Petitioner

Vs.

1.The Sub Registrar,
Sub-Registrar Office,
Madhavaram, Chennai.

2.The District Revenue Officer (Stamps),
District Collector Office,
5th Floor, Singaravalan Maaligai,
Rajaji Salai,
Chennai – 600 001. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent of letter vide No.76/13/AL1 dated 22.08.2015 and quash the same as it is illegal, arbitrary and issued in violation of the principles of natural justice and consequently direct the first respondent to release the Sale Deed registered as document No.2519 of 2013 dated 30.04.2013 registered in the office of the Sub-Registrar, Madhavaram.

For Petitioner : Mr.Kumarpal R.Chopra

For Respondents : Mr.D.Ravichander,
Special Government Pleader

ORDER

Form- II notice issued to the writ petitioner in notice dated 22.08.2015 is sought to be quashed in the present writ petition.

2. The petitioner presented a document for registration before the first respondent. The first respondent Registering authority found deficit stamp duty paid by the petitioner in the document and referred the document for determination of stamp duty to the District Collector (Stamps). The authority under section 47A of the Registration Act issued Form - II notice to the writ petitioner for the purpose of providing an opportunity to defend his case. Such a notice would not provide a cause for filing of the present writ petition. The petitioner has to present his case before the competent authority for the purpose of determining the stamp duty to be paid.

3. Learned counsel for the petitioner states that the petitioner had already participated in the process of enquiry and the market value also had been determined. That being the factum, it is for the petitioner to pay the

determined stamp duty and get the document released by following the procedures contemplated under the provisions of the Registration Act.

4. In the absence of payment of the determined stamp duty, there is no obligation on the part of the Registering authority to return the document. The decision has already been clarified by the Division Bench of this Court in the case of ***Special Deputy Collector (Stamps) vs. M.Alfred*** reported in ***2017 (6) CTC 449.*** Thus, it is for the petitioner to pay the stamp duty determined by the competent authority and in the event of such payment of stamp duty, the Registering Authority is empowered to release the document by following the procedures as contemplated.

5. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.07.2023

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Index : Yes
Speaking order

To

1.The Sub Registrar,
Sub-Registrar Office,
Madhavaram, Chennai.

2.The District Revenue Officer (Stamps),
District Collector Office,
5th Floor, Singaravalan Maaligai,
Rajaji Salai,
Chennai – 600 001.

S.M.SUBRAMANIAM, J.

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