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W.P. No.27760 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.27760 of 2014

A.Lawrence
Managing Trustee
Lawrence Educational Trust
No.682, Lawrence Nagar
Mowlivakkam,
Porur
Chennai - 600 125

... Petitioner

Vs.

1. The Inspector General of Registration
and Chief Controlling Authority
Santhome High Road
Chennai - 600 028

2. The District Registrar
Pudukkottai- 622 001
Pudukkottai District

3. The Joint Sub-Registrar
Pudukkottai
Pudukkottai District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd respondent in proceedings RC.No.1638/R/2009 dated 18.06.2010 and that the 1st respondent in D.Dis.No.20350/P1/2014 dated 19.08.2014 and quash the orders dated 18.06.2010 and 19.08.2014 and consequently direct the respondents to permit the petitioner to withdraw the pending document No.15/2009 on the file of the 3rd respondent.



For Petitioner : Mr.B.Manoharan

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 2nd respondent in proceedings RC.No.1638/R/2009 dated 18.06.2010 and that the 1st respondent in D.Dis.No.20350/P1/2014 dated 19.08.2014 and quash the orders dated 18.06.2010 and 19.08.2014 and consequently direct the respondents to permit the petitioner to withdraw the pending document No.15/2009 on the file of the 3rd respondent.

2. The contention of the petitioner is that the writ petitioner does not want to register the document No.P15/2009. Though, enquiry was conducted, subsequently, the document was treated as conveyance deed and the petitioner was directed to pay the deficit stamp duty as prescribed under Article 23 of Schedule I to the Indian Stamp Act, 1899. However, the document is pending registration for want of proper stamp duty. Now the



petitioner counsel submits that the petitioner does not want to register the document and therefore, the document may be returned to him.

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3. A perusal of the impugned order shows that it is in order. Therefore, the impugned order cannot be quashed.

4. However, since the petitioner does not want to proceed with the document of conveyance, the petitioner is at liberty to withdraw the document. The petitioner is directed to make a fresh application to the 3rd respondent for withdrawal of the document and on such application, the 3rd respondent shall consider his application and if the 3rd respondent finds that the petitioner is entitled to withdraw the document, the 3rd respondent shall pass appropriate orders and the same may be communicated to the Income Tax Department for further action.

5. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

10.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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and Chief Controlling Authority
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P.VELMURUGAN. J.

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