



W.P.No.29648 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29648 of 2023

R.Venkatasalapathy

... Petitioner

versus

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
Registration Office, Puliakulam,
Coimbatore – 641 018.

3.The District Revenue Officer (Stamps),
District Collector Officer,
Coimbatore – 641 018.

4.The Sub-Registrar,
Dharapuram Sub-Registrar Office,
Dharapuram,
Tiruppur District – 641 601.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue
a Writ of Mandamus directing the third respondent to accept the payment of

Pg.Nos.1/6



W.P.No.29648 of 2023

deficit stamp duty a sum of Rs.86,44,083/- as per Form I dated 12.02.2018 in Mu.Pa.No.138 of 2018 issued by the third respondent and consequently direct to release the Registered Sale Deed in Document No.806/2018 dated 06.02.2018 pending before the 4th respondent by considering the petitioner's representation dated 26.08.2023.

For Petitioner : Mr.D.Raghu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

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

2. The petitioner seeks for a mandamus directing the third respondent to accept the payment of deficit stamp duty of Rs.86,44,083/- as per Form I dated 12.02.2018 in Mu.Pa.No.138 of 2018 issued by the third respondent and consequently directing him to release the Registered Sale Deed in Document No.806/2018 dated 06.02.2018 pending before fourth respondent by considering the petitioner's representation dated 26.08.2023.



W.P.No.29648 of 2023

3. The learned counsel for the petitioner submitted that due to deficit payment of stamp duty, the fourth respondent referred the registered sale deed document to the third respondent. The third respondent, who in turn issued Form I dated 12.02.2018 and directed the petitioner to pay the deficit stamp duty of Rs.86,44,083/-. On receipt of the same, the petitioner was ready to pay the deficit stamp duty as fixed by the third respondent. Pending proceedings, one S.N.S.Sugumaran gave letter before the fourth respondent objecting to release the registered sale deed, which came to be rejected. Aggrieved by the same, the said S.N.S.Sugumaran filed an appeal before the second respondent, who in turn dismissed the appeal and recommended the parties to approach the competent Civil Court for appropriate remedy. After completion of all proceedings, since the third respondent refused to release the said document by accepting the payment of deficit stamp duty, the petitioner has given a representation dated 26.08.2023 along with relevant document and also approached the third respondent on several occasions, but there is no response from them. Hence, the petitioner is before this Court.



W.P.No.29648 of 2023

4. On a perusal of the records and also the order dated 11.03.2019 passed by second respondent, it is seen that since the dispute between rival parties is the title over the property, the second respondent directed the parties to approach the competent Civil Court for appropriate remedy but the petitioner without approaching the Civil Court, approached this Court by way of present writ petition.

5. In view of the above, the writ petition is dismissed with liberty to the petitioner to workout his remedies in the manner known to law and raise all his objections in that proceedings. There shall be no order as to costs.

12.10.2023

Speaking/Non-speaking order

Index : Yes/No

Neutral Citation : Yes/No

ms



WEB COPY



W.P.No.29648 of 2023

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
- 2.The Deputy Inspector General of Registration,
Registration Office, Puliakulam,
Coimbatore – 641 018.
- 3.The District Revenue Officer (Stamps),
District Collector Officer,
Coimbatore – 641 018.
- 4.The Sub-Registrar,
Dharapuram Sub-Registrar Office,
Dharapuram,
Tiruppur District – 641 601.



WEB COPY



W.P.No.29648 of 2023

P.VELMURUGAN, J.

ms

W.P.No.29648 of 2023

12.10.2023

Pg.Nos.6/6