



WEB COPY



W.P.No.32882 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.32882 of 2022

V.Lawrance
Sole Proprietor of M/s.Jessi Constructions,
No.10, Anna Gramam,
Vadakkuthu (PO),
Vadalur – 607 303,
Cuddalore District.

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
2. The Sub Registrar,
Sub Registrar Office,
No.129, Hospital Road,
Madhuranthakam – 603 306.
Chengalpattu District.
3. The Official Liquidator,
(as the Liquidator of M/s.Sigma Granites Ltd.,)
Corporate Bhavan,
2nd Floor, No.29, Rajaji Salai,
Chennai – 600 001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to register the Rectification Deed dated 22.03.2022 without the payment of any additional stamp duty apart from the charges paid by the petitioner on 01.04.2022.

For Petitioner : Mr.P.Thangaraj

For R1 & R2 : Mr.P.Gurunathan
Additional Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to register the Rectification Deed dated 22.03.2022 without the payment of any additional stamp duty apart from the charges paid by the petitioner on 01.04.2022.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents.



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3. It is the contention of the petitioner that he purchased a land by way of a registered Sale Deed No.707 of 2006, from M/s.Sigmah Granites Limited, through the Official Liquidator of Madras High Court. In the year of 2020, he came to know that there is a clerical mistake in the sale deed. The petitioner filed a Company Application No.85 of 2021 in Company Petition No.236 of 1997, seeking a direction to the Official Liquidator to execute a Rectification Deed to correct the mistake in the boundary description in the sale deed executed by the Official Liquidator dated 07.03.2006 registered as Doc.No.707 of 2006 in the Office of the Sub-Registrar, Maduranthakam. Based on the order of this Court dated 18.06.2021, the third respondent/Official Liquidator had executed a Rectification deed in favour of the petitioner. When the petitioner presented the Rectification Deed before the second respondent for registration, the second respondent insisted the petitioner to pay the additional stamp duty. Hence he filed the present writ petition.



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4. The rectification deed does not alter the survey number, extent, value or boundaries and it is only a typographical error regarding the boundaries in the schedule property, it does not require stamp duty. Hence, the second respondent is directed not to insist payment of stamp duty to register the petitioner's Rectification Deed dated 22.03.2022.

5. With the abovesaid direction, the Writ Petition is allowed. There shall be no order as to costs.

30.11.2023

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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P.VELMURUGAN, J.

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