



WP (MD) No.1316 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.1316 of 2023

V.Kallanai

... Petitioner

Vs

1.The Inspector General of Registration,
No.100, Santhome High Road,
Foreshore Estate,
Chennai.

2.The District Registrar (Madurai South),
Registration Department,
No.171, Palace Road,
Madurai – 625 001.

3.The Sub Registrar,
Join-IV, Madurai (South),
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the entire records relating to the impugned proceedings of the 2nd respondent in his impugned proceedings No.4586/A1/2021, dated 23.09.2021 and quash the same and consequently direct the respondents to return the money paid by the petitioner through online REG202003060216606, dated 06.03.2020.



WP (MD) No.1316 of 2023

For petitioner : Ms.Geethanjali.G

for Ms.Mahalakshmi.G

For Respondents : Ms.Farjana Ghousia

ORDER

The petitioner has submitted a document for registration to the 3rd respondent on 09.03.2020. The petitioner has been directed to submit the application through online and therefore, the petitioner has submitted her application through online and also paid a sum of Rs.8,84,500/- as stamp duty, Rs.5,12,270/- as registration charges, Rs.100/- as C.D charges and Rs.40/- as internal charges totalling to Rs.13,97,235/-. However, in view of the sudden outbreak of the Covid-19 pandemic, the document could not be registered on the date prescribed by the registration department. The petitioner is a senior citizen, who is aged about 70 years and therefore, the petitioner approached the 1st respondent on 26.07.2021 by way of a representation to refund the charges paid by her on 09.03.2020. The said representation of the petitioner was rejected by the 1st respondent referring to Circular No.5642/CS1/2012, dated 07.01.2015 issued by the Inspector General of Registration. Challenging the said order of the 2nd respondent this writ petition is filed.



WP (MD) No.1316 of 2023

2.The learned Special Government Pleader appearing for the respondents submits that as per Circular No.5642/CS1/2012, dated 07.01.2015 issued by the Inspector General of Registration, the petitioner should have availed the services within a period of one year and therefore, her request was rejected.

3.This Court considered the rival submissions and perused the materials placed on record.

4.The petitioner has submitted a document for registration on 09.03.2020. The petitioner was directed to submit the application through online and accordingly the petitioner submitted her application, paid necessary charges and obtained a slot for registration. Due to the sudden outbreak of Covid-19 pandemic, the document could not be registered. The petitioner has approached the respondents for refund of the charges paid by her but citing the circular issued by the Inspector General of Registration in Circular No.5642/CS1/2012, dated 07.01.2015 the respondent has refused to refund the charges. The fact remains that the document was not registered. Subsequently due to sudden outbreak of Covid-19 pandemic, lock down was imposed and the entire operations were stalled. The period of limitation was extended by the Hon'ble Supreme Court



WP (MD) No.1316 of 2023

during the lock-down and therefore, it would not be property to reject the request of the petitioner by referring the circular

5.In view of the above, the writ petition is allowed. The impugned order is set aside. The respondents are directed refund the charges paid by the petitioner on 09.03.2020 within a period of eight weeks from the date of receipt of a copy of this order. No costs.

25.07.2023

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

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To

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WP (MD) No.1316 of 2023

B.PUGALENDHI, J.

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WP(MD)No.1316 of 2023

25.07.2023