



W.P(MD)No.13223 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13223 of 2023

M.Syed Ahamed Ali

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Murappanadu,
Thoothukudi District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned refusal check slip vide RFL/Murappanadu/26/2023 dated 04.05.2023 issued by the respondent and quash the same as illegal and arbitrary and consequently direct the respondent to register the sale deed presented by the petitioner for registration within the time to be fixed by this Court.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondent : Mr.M.Prakash
Additional Government Pleader



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ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus relating to a refusal check slip in RFL/Murappanadu/26/2023 dated 04.05.2023, issued by the respondent, Sub Registrar, Murappanadu, Thoothukudi District and to interfere with the same.

2. The petitioner had presented a sale deed dated 04.05.2023 for conveying plot No.292 out of the various plots which had been developed under the name and style as 'Metro City' which has been approved by the Deputy Director of Town and Country Planning, Tirunelveli in Na.Ka.No. 1568/2018 Thilima 3, dated 24.09.2019. Actually, the petitioner had put up 537 house plots. He had sold 4 of them. Those documents were returned claiming that there was deficit stamp duty. Holding that the respondent herein has no authority to collect deficit stamp duty, but must refer the issue before the higher officials under Section 47A of the Indian Stamp Act, the petitioner had originally filed W.P.(MD)No.9301 of 2023. By an order dated 21.04.2023 that portion of the order, demanding additional stamp alone was stayed by this Court.



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3. A direction is now given to the petitioner herein to present the sale deed relating to plot No.292 once again before the respondent following proper procedure and on receipt of the same, if it is otherwise in order, the respondent may register the same and if there is any issue relating to stamp duty, refer it to the higher officials before whom the petitioner may make necessary submissions in order to explain the valuation given in the sale deed. But the Sub Registrar cannot refuse to register the same.

4. Recording as above, Writ Petition stands disposed of. No costs.

08.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

The Sub Registrar,
Sub Registrar Office,
Murappanadu,
Thoothukudi District.



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C.V.KARTHIKEYAN, J.

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