



W.P(MD)No.10098 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10098 of 2015

and

W.M.P(MD)No.1 of 2015

S.Pradeep

... Petitioner

Vs

1.The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai.

2.The District Collector,
Theni District,
Theni.

3.The District Registrar,
Periyakulam.

4.The Sub Registrar (Registration),
Theni.

5.R.N.Jagadeesan

6.N.R.Manivannan

7.L.Kamalakkannan

... Respondents



W.P(MD)No.10098 of 2015

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the representation dated 28.05.2014 and 15.07.2014 of the petitioner and investigate the fraudulent transaction of the respondents 5 to 7 herein in getting the title and ownership of the 82 1/4 cents of land out of 1.58 acres and the buildings thereon in Survey No.500/1 Part, 501/3 , 501/4 Part in Theni town on the basis of the Compromise Deed dated 20.08.2009 and without paying the stamp duty as per Indian Stamp Act, 1899 and without Registration under Registration Act, 1908 and consequently take action to recover the stamp duty and penalty of Rs. 37/- Lakhs under Sections 29, 35 and 62 of the Indian Stamp Act, 1899 within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.D.Gandhiraj
Special Government Pleader
for R.1 to R.4

Mr.R.A.Mohanram for R.5 to R.7

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents. There is no representation on the side of the private respondents.

2. The petitioner is aggrieved by the registration of the compromise decree in O.S.No.80 of 2007 on the file of District Munsif Court, Theni. The



W.P(MD)No.10098 of 2015

petitioner submitted representations before the official respondents demanding investigation in the matter. According to the petitioner, as a result of compromise and registration of the compromise decree, the Department has been put to a huge loss on stamp duty. Since the petitioner's representations did not yield any fruit, the present writ petition came to be filed.

3. I am not inclined to issue any direction as sought for. The petitioner is not going to be benefited if the alleged loss of revenue is made good. The petitioner has not suffered any loss merely because proper stamp duty was not collected. The issue is between the Registration Department and the executants of the documents. The first respondent is cognizant of the issue. The matter is left to the discretion of the first respondent.

4. With this observation, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.07.2023

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



WEB COPY



W.P(MD)No.10098 of 2015

G.R.SWAMINATHAN, J.

MGA

To

- 1.The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai.
- 2.The District Collector,
Theni District,
Theni.
- 3.The District Registrar,
Periyakulam.
- 4.The Sub Registrar (Registration),
Theni.

W.P(MD)No.10098 of 2015
and
W.M.P(MD)No.1 of 2015

12.07.2023