BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20526 of 2023

M.S.Kaja Mohideen ... Petitioner

versus

1. The Deputy Collector (Stamps),
   Tirunelveli Collector Office Campus,
   Tirunelveli.

2. The District Registrar,
   Palayamkottai Registration District,
   Tirunelveli Collector Office Campus,
   Tirunelveli.

3. The Sub- Registrar,
   Melapalayam Sub-Registrar Office,
   Melapalayam,
   Tirunelveli. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to return the sale deed Document No.7863/2013 dated 15.10.2013 registered before the 3rd respondent Office after receiving the deficit stamp duty of Rs.5,23,283/- based on the petitioner's representation dated 27.07.2023.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.P.T.Thiraviam, Government Advocate

ORDER

The petitioner has purchased a land in Survey No.507/2A situated at Melapalayam Village, Palayamkottai Taluk, Tirunelveli District, by a registered sale deed dated 15.10.2013. He has valued the property as Rs.2460/- per square meter. However, the 3rd respondent has fixed the property value as Rs.12,300/- per square meter as per the guideline value and also referred the sale deed to the first respondent to take action under Section 47(A) of the Indian Stamp Act. The first respondent, by his proceedings dated 31.05.2018, passed an order fixing the value of the property as Rs.8650/- per square meter and fixed the total value of the property as Rs.1,04,46,900/- and also fixed Rs.7,31,283/- as stamp duty. Since the petitioner has already paid Rs.2,08,000/- as stamp duty, the first respondent directed him to pay a sum of Rs.5,23,283/- towards deficit court fee.

2. Now, the petitioner claims that he has arranged the balance sum of Rs.5,23,283/- and approached the respondents with a request to return the sale deed dated 15.10.2013 after receiving the deficit stamp duty. The respondents did not consider the same and return the sale deed and therefore, he is before this Court.

3. Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondents, on instructions, submits that the sale deed was registered in the year 2013 and the first respondent has passed the order fixing the value of the property as Rs.1,04,46,900/- as on 31.05.2018 and also directed the petitioner to pay the balance stamp duty of Rs.5,23,283/- after deducting the stamp duty paid by the petitioner of Rs.2,08,000/-. Since the petitioner has not paid the amount in time, this amount has to be calculated together with interest at the rate of 1% per month and now, the petitioner has to pay a sum of

Rs.8,42,496/- as on date.

4. The learned counsel appearing for the petitioner submits that the petitioner is prepared to pay the deficit stamp duty together with interest. Therefore, he requests this Court to direct the respondents to return the sale deed dated 15.10.2013.

5. Since the petitioner is now prepared to pay the deficit stamp duty together with interest, this writ petition is allowed with a direction to the petitioner to pay the deficit stamp duty along with interest, as on date, within a period of four weeks from the date of receipt of a copy of this order. After receipt of the same, the respondents shall release the sale deed dated 15.10.2013 to the petitioner. No costs.

23.08.2023

ogy

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

To

1. The Deputy Collector (Stamps),
   Tirunelveli Collector Office Campus,
   Tirunelveli.

2. The District Registrar,
   Palayamkottai Registration District,
   Tirunelveli Collector Office Campus,
   Tirunelveli.

3. The Sub- Registrar,
   Melapalayam Sub-Registrar Office,
   Melapalayam,
   Tirunelveli.

B.PUGALENDHI, J.

ogy

W.P.(MD)No.20526 of 2023

23.08.2023