IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **18.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22823 of 2022

G.N.Manoj Srivatsa .. Petitioner

Versus

1. The Government of Tamil Nadu
   Represented by Secretary, Revenue Department,
   Fort St. George, Chennai – 600 009.

2. The Inspector General of Registration,
   Office of the Inspector General of Registration,
   Santhome, Chennai – 600 004.

3. The District Registrar [Admin.],
   [Addl. Inspector General of Registration Cadre],
   Office of the District Registrar,
   North Chennai, Kuralagam, Chennai – 600 104.

4. The Sub Registrar,
   District Registrar Cadre, Office of the Sub Registrar,
   Sembium, Chennai – 600 011. .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Order dated 27.06.2022 in Lt.No.855/Aa7/2022 passed by the third respondent and quash the same and consequently directing the respondents to refund the excess amount of Rs.83,498/- [Rupees Eighty

Three Thousand four Hundred and Ninety Eight only] to the petitioner within the stipulated time.

For Petitioner	:	Mr.Ralph V. Manohar
For Respondents	:	Mr.P.Anandha Kumar Government Advocate

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Challenging the Order dated 27.06.2022 of the third respondent rejecting the representation of the petitioner to refund the excess amount paid by him and consequently direct the respondent to refund the excess amount paid by him, the present Writ Petition has been filed.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The case of the petitioner is that he has purchased to an extent of 4120 sq.ft. as per the sale deed dated 04.08.2021. But the actual extent is only

3829 sq.ft. Inspection has also been done on 07.08.2021. At the time of inspection, the value of the building has been increased and the petitioner was directed to pay the registration charges on the guideline value for an extent of Rs.4120 sq.ft., despite the fact that only 3829.5 sq.ft. is available on ground. Therefore, according to the petitioner, excess amount collected towards the value of the site has to be refunded and the same will come to around Rs.83,498/-.

5. Counter has been filed by the respondents stating that the document was registered on 04.08.2021 and the building was inspected on 07.08.2021. Therefore, the respondent has taken into account the total extent of 4120 sq.ft. and the building valued at Rs.17,72,073 in all Rs. Rs.1,25,37,633/- as against total value of Rs,1,13,66,484/-. Accordingly, the deficit registration amount of Rs.46,846./- with fine of Rs.374/- was collected. According to them, they collected registration fee as per the extent provided in the annexure.

6. The learned counsel appearing for the petitioner would submit that as per the valuation in respect of the building he has no grievance. The actual extent available on ground is only 3829.5 sq.ft. However, in the title document, the extent has been shown as 4120 sq.ft. Therefore, according to

him if the exact measurement has been assessed, he is entitled for refund of the excess amount paid by him.

7. In the entire counter affidavit though it is stated that the building value has been suppressed, thereafter correct value has been assessed, true extent has not been indicated and it is not known whether the actual extent has been identified by the registering authority or not. In such view of the matter, let the third respondent conduct an enquiry and survey the actual extent in the presence of the writ petitioner and if the extent is less than 4120 sq.ft. as per the calculation arrived by them, then stamp duty and the registration charges collected for the excess extent shall be refunded proportionately. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this Order.

8. With the above direction, this Writ Petition is disposed of. No costs.

18.04.2024

vrc

Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes/No

To,

1. The Secretary, Revenue Department,
   Fort St. George, Chennai – 600 009.

2. The Inspector General of Registration,
   Office of the Inspector General of Registration,
   Santhome, Chennai – 600 004.

3. The District Registrar [Admin.],
   [Addl. Inspector General of Registration Cadre],
   Office of the District Registrar,
   North Chennai, Kuralagam, Chennai – 600 104.

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   District Registrar Cadre, Office of the Sub Registrar,
   Sembium, Chennai – 600 011.

N. SATHISH KUMAR, J.

vrc

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