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W.P.No.27873 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09..07..2024

Coram

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

Writ Petition No.27873 of 2023

T.Jayam

..... Petitioner

-Versus-

1.District Registrar (Admin),
South Zone, Chennai.

2.The Sub Registrar,
Padapai Sub Registrar Office,
Padapai, Kancheepuram District,
Chennai.

..... Respondents

Petition filed under Article 226 of The Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent to make the refund of Rs.36,800/- (stamp duty) together with interest at the rate of 24% per annum from the date of orders of the District Registrar (Admin) Chennai South dated 23.11.2022 till the date of realisation of the amount based on representation of the petitioner dated 11.07.2023.

For Petitioner(s) : Mr.C.Sivanesan

*For Respondent (s) : Mr.Stalin Abhimanyu,
Additional Government
Pleader*



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ORDER

This writ petition has been filed seeking a writ in the nature of mandamus, directing the 2nd respondent to consider the representation dated 11.07.2023 made by the petitioner for refund of stamp duty of Rs.36,800/- (stamp duty) together with interest at the rate of 24% per annum from 23.11.2022, the date of orders of the 1st respondent - District Registrar (Admin) Chennai South, directing to refund the unused stamps,, till the date of refund of amount and pass appropriate orders.

2. Heard both sides.

3. The case of the petitioner is that she owns a small piece of land at Nandambakkam village, previously known as Kundrathur village. She has three sons. She is aged 68 years and also a diabetic. She wanted to settle her property on her three sons and drafted settlement deeds. She had also made e-payment of Rs.17,600/- , Rs.9,600/- and Rs.9,600/- respectively towards the purchase of Non-Judicial Stamps (NJS) for engrossing the settlement deeds. However, due to her personal inconvenience she could not execute settlement deeds immediately and after one year she had executed three separate settlement deeds in favour of her sons. When she approached the Sub Registrar, Padappai,



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for adjustment of the amount already paid by her on 09.03.2021, she was informed that there is no provision for adjustment of amount after 6 months and she was advised to get refunded the stamps already purchased. She accordingly made an application on 02.11.2022 and the 1st respondent, in turn, directed the 2nd respondent to refund the stamps. Thereafter, based on the said orders of the 1st respondent, the 2nd respondent by his letter dated 29.11.2022 vide Na.Ka.No.225 of 2021 requested the Pay and Accounts Office (East) Chennai, to issue a certificate of credit, if the amount is found to be credited in the Government Account. When She approached the Pay and Accounts Office she was informed that a certificate has already been issued to the Sub Registrar concerned in November, 2022. The grievance of the petitioner is although 9 months have gone by since then, she could not get refunded the stamps. Despite repeated oral requests, she could not get refunded the stamps. She in those circumstances sent a representation dated 11.07.2023 by post. The grievance of the petitioner is that her written representation also was not considered. Hence, this writ petition.

4. Heard both sides.

5. I have perused the orders of the 1st respondent dated 23.11.2022. The 1st respondent by passing three individual orders, while confirming the



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correctness of e-payments made by the petitioner and the same were not utilized for any of the documents or services, cancelled the stamps and ordered for refund of stamps as claimed by the petitioner. Despite such orders, the petitioner was not refunded the unused stamp values till date. The learned Additional Government Pleader is unable to refute the contentions of the petitioner.

6. Considering fact that there is already an order for refund of stamps from the 1st respondent, the 2nd respondent is directed consider the representation of the petitioner for refund of stamps and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of with this order.

This writ petition is disposed of accordingly with the above directions.

No costs.

Index : yes / no
Neutral Citation : yes / no
kmk

09..07..2024

To

1.The District Registrar (Admin), South Zone, Chennai.

2.The Sub Registrar, Padapai Sub Registrar Office, Padapai, Kancheepuram District, Chennai.



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