



W.P.No.36283 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.36283 of 2023

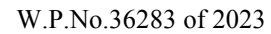
Paresh M.Sanghvi

... Petitioner

Vs.

- 1 The Inspector General of Registration,
Office of the Inspector General of Registration,
No. 100 Santhome High Road,
Chennai 600 028.
- 2 The District Registrar,
North Chennai District Registrar Office,
Kuralagam, NSC Bose road,
Parrys,
Chennai 600 104.
- 3 The Sub Registrar,
Periamet,
Office of the Sub Registrar,
No.1103, Poonathamallee High Road,
Periamet, Chennai 600 003.
- 4 The Chief Revenue Controlling Authority,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

... Respondents



Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of impugned notice dated nil as per postal cover received on 22.08.2023 on the file of the 3rd respondent relating to release deed document No. 1752 of 2021 and to quash the same as without jurisdiction error apparent on the face of the record, mechanical without any application of mind, illegal, arbitrary and against the law.

For Respondents : Mr.B.Vijay
Additional Government Pleader

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records of impugned notice dated nil, as per postal cover received on 22.08.2023 on the file of the third respondent relating to Release Deed Document No. 1752 of 2021 and to quash the same.



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2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3. It is submitted by the learned counsel for the petitioner that his father and mother had jointly purchased the property and after the death of his father, the mother, sons and daughters are the legal heirs. The mother and sister executed the released deed in favour of the petitioner, vide registered Document No.1752 of 2021 dated 03.08.2021. The third respondent issued impugned notice, calling upon the petitioner to pay a sum of Rs.9,80,000/- towards the stamp duty and Rs.5,60,000/- towards Registration charges. It is further submitted by the learned counsel for the petitioner that third respondent has no authority to conduct enquiry under the Indian Stamp Act and the third respondent himself admitted in his statement that there is no statutory duty to send notice for enquiry by the third respondent regarding deficiency of stamp duty.



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4. The learned counsel for the petitioner further submitted that the second respondent is the competent authority to issue notice and after issuing notice and giving opportunity to the petitioner, he has to pass the order, within three years from the date of registration of the document.

5. Admittedly, the date of document is 03.08.2021. The third respondent issued impugned notice to the petitioner, which is against the statutory provisions. Hence, the impugned notice passed by the third respondent is set aside. The second respondent is directed to issue notice to the petitioner and rival claimants/interested parties/objectors if any and after giving notice to all the concerned parties, conduct inquiry in the manner known to law and pass orders in accordance with law. The abovesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



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6. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

05.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

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P.VELMURUGAN, J.

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