



W.P.(MD)No.10787 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.10787 of 2024

and

W.M.P.(MD)No.9638 to 9640 of 2024

Shri Shiva Shakti Promoters,
Rep. by its Partner,
M.Vairamuthuraja.

... Petitioner

/Vs./

1. The Inspector General of Registration,
Registration Department,
Secretariat,
Fort. St. George,
Chennai - 9.
2. The District Registrar,
Collector Office Campus,
Kokkirakulam,
Palayamkottai - 627 009.
3. The Sub Registrar,
Sub Registrar Office,
SH 47 Jayaram Nagar,
Aruppukottai,
Kovilpatti - 626 105.



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4 The Special Deputy Collector (Stamps),
District Collectorate,
Tirunelveli - 627 009.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order dated 17.11.2023 issued by 3rd respondent in Na.Ka.No. 2/2023 and quash the same as illegal, arbitrary and non-est in law and consequently direct the 3rd and 4th respondents to release the pending document No.61/2023 dated 18.10.2023.

For Petitioner : Mr.V.Meenakshi Sundaram

For Respondents : Mr.Veera Kathiravan

Additional Advocate General

Assisted by

Mr.D.Sadiq Raja

Additional Government Pleader

ORDER

This writ petition has been filed challenging the order dated 17.11.2023 passed by the third respondent, thereby directed the petitioner to deposit stamp duty and deficit registration fees in respect of the sale deed, which was produced for registration in respect of the property comprised in S.No.225/2, 225/3, 225/4 measuring to an extent of 33,860



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sq.m., situated at Appaneri Village, Kovilpatti Taluk, Thoothukudi District, which was owned by one Karthikeyan, who obtained layout permission No.135/21.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The said Karthikeyan, who is the land owner, had formed a layout by plotting the said land into house plots and had executed the sale deed in respect of plot No.33, measuring to an extent of 186.05 sq.m., in favour of one Vignesh Kumar on 29.10.2021 and presented the same for registration. In the said sale deed, the petitioner was issued notice, thereby directed the petitioner to pay deficit stamp duty and registration fees. On receipt of the same, the petitioner disputed the said document and requested to refer the matter under Section 47A of the Indian Stamp Act, 1899, before the Deputy Collector (Stamps), Tirunelveli. As requested by the petitioner, the matter has been referred to the Deputy Collector (Stamps), Tirunelveli. and it is pending enquiry.



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4. In view of the above, the petitioner ought to have attended the enquiry before the Deputy Collector (Stamps), Tirunelveli. under Section 47A of the Indian Stamp Act, 1899. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
Sm

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G.K.ILANTHIRAIYAN, J.

Sm

Order made in
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Dated:
13.11.2024