



W.A.(MD) No.284 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.A.(MD) No.284 of 2024
and
C.M.P.(MD) No.2806 of 2024

- 1.The Inspector General of Registration of Tamilnadu,
O/o. The Inspector General of Registration,
Santhom High Road, Chennai.
- 2.The District Registrar,
Periyakulam Registration District,
Periyakulam.
- 3.The Deputy Collector (Stamps),
Madurai District,
O/o. Madurai District Collectorate,
Madurai.
- 4.The Sub Registrar,
Usilampatti Sub Registration,
Usilampatti, Madurai District.

... Appellants/
Respondents 1 to 4

Vs.

K.Lakshmi (Died)



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1.Vairavan

... 1st Respondent/
Writ Petitioner

2.J.Nishalini

... 2nd Respondent/
5th Respondent

Prayer: Appeal filed under Clause XV of the Letters Patent to set aside the order dated 24.04.2023 passed in W.P.(MD) No.4590 of 2020 of this Court.

For Appellants : Mr.Veerakathiravan
Additional Advocate General
assisted by
Mr.S.Shanmugavel
Additional Government Pleader

For Respondent-1 : Mr.P.Ganapathisubramanian

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble CHIEF JUSTICE]

The present Respondent No.1/original writ petitioner had filed the writ petition against the order passed by the Sub Registrar refusing to register a document and demanding an amount of Rs.11,36,442/- from the petitioner



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on account of the deficit of the stamp duty and registration fees on the Document No.198 of 2002. The learned Single Judge allowed the writ petition. Aggrieved thereby, the present writ appeal.

2. We have heard the learned Additional Advocate General for the appellants.

3. The learned Additional Advocate General submits that there was deficit stamp duty on a partition deed registered in the year 2002. The mother of the writ petitioner purchased a part of the property of the said partition deed in the year 2010 from one of the beneficiaries of the partition deed. In the year 2020, the settlement deed is executed in favour of the writ petitioner by the mother. The learned Additional Advocate General submits that the appellants are entitled to recover the amount.

4. Heard the Advocate for the original writ petitioner.



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5. The factual matrix does not appear to be a matter of debate. The mother of the writ petitioner nor the writ petitioner is any way concerned with the partition deed executed in the year 2002. The mother of the writ petitioner purchased a part of the property i.e. subject matter of the partition deed of the year 2002 from one of the beneficiaries of the partition deed in the year 2010. At the time of registration of the sale deed in favour of the mother of the writ petitioner, no objection was raised by the appellants at any point of time. The said document was registered. No encumbrance was noted on the said document. Now, in the year 2020, the mother of the writ petitioner executed the gift settlement deed in favour of the writ petitioner. At that time, the objection is raised that the partition deed of the year 2002 was registered with insufficient stamp duty.

6. Assuming the best case for the appellants, the appellants can, at the most, recover the amount from the person, who had registered the 2002 document and that too if the appellants have the authority to recover it and not from the writ petitioner herein.



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7. In the light of the above, no case for interference is made out and the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(M.S.K., J.)

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

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THE HON'BLE CHIEF JUSTICE
and
MUMMINENI SUDHEER KUMAR, J.

ABR

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