



W.P.No.36215 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.Nos.36215 & 36235 of 2024

T.Kalaiselvi

...Petitioner in
W.P.No.36215 of 2024

K.Ramesh Babu

...Petitioner in
W.P.No.36235 of 2024

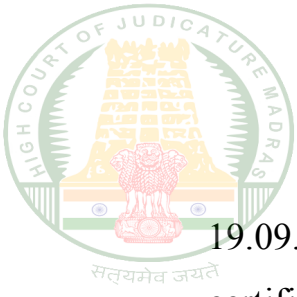
Vs

The Sub Registrar
Sub Registrar Office, Guduvancherry,
21, Grand Southern Trunk Road,
Jaibeemnagar, Guduvancherry – 603 202.

...Respondent

PRAYER in W.P.No.36215 of 2024:-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the Respondent to consider the petitioner's representation dated 19.09.2024 and consequently to return the original registered sale certificate Document No.18647 of 2022 dated 10.11.2022 in respect of the Schedule property to the petitioner within the time frame fixed by this court.

PRAYER in W.P.No.36235 of 2024:-Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, directing the Respondent to consider the petitioner's representation dated



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19.09.2024 and consequently to return the original registered sale certificate Document No.17020 of 2022 dated 16.05.2022 in respect of the Schedule property to the petitioner within the time frame fixed by this court.

In Both W.P.'s:-

For Petitioner : Mr.L.Thiyagaiya

For Respondents : Mr.P.Harish
Government Advocate

ORDER

The Writ Petition has been filed for the following relief:-

To direct the respondent to consider the petitioner's representations dated 19.09.2024 and consequently to return the original registered sale certificates

2.Heard the learned counsels on either sides and perused the records. The learned Government Advocate takes notice on behalf of the respondent.

3.The Writ Petitions are allowed in terms of the order of the Division Bench in Writ Appeal No.1115 of 2017 dated 30.04.2024, wherein paragraph No.38, the learned Judges had mentioned as follows:-

38(i).That, the appellant department is entitled to claim 5% stamp duty, 2% transfer duty and 1%



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registration charge on the Sale Certificate presented by the respondent and registered by appellants' department, especially, the 4th appellant. However, such levy of stamp duty, transfer duty and the registration charge shall be only on the purchase money of the property as reflected in the Sale Certificate, but not on the market value or guideline value of the property.

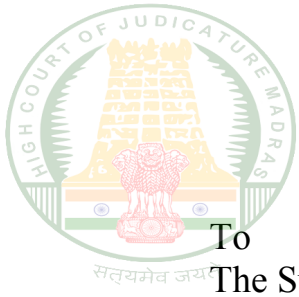
4.It is informed by the learned counsel for the petitioner that the petitioner has paid 11% which is over and above the duty as directed by the Division Bench. Therefore, the Writ Petitions are allowed and the respondent is directed to return the original sale certificate within a period of one week from the date of receipt of copy of the order. The learned counsel for the petitioner would also submit that the petitioner does not want the refund of the excess 3% paid by them. No costs.

29.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

P.T.ASHA, J.

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To

The Sub Registrar

Sub Registrar Office, Guduvancherry,
21, Grand Southern Trunk Road,
Jaibeemnagar, Guduvancherry – 603 202.

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29.01.2025