



WEB COPY



W.P.No.43749 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.43749 of 2025

1.Mythhili Srinivas
2.R.Srinivas

... Petitioner

Vs.

1. The Inspector General Of Registration
Office Of The Inspector Of Registration,
Santhome High Road, Chennai-600 028

2. The District Revenue Officer(stamps)
District Revenue Office, 5th Floor,
Singaravelan Maligai, 62, Rajaji Salai,
Chennai-600 001

3. The Joint Sub Registrar-ii Chennai Central
No.9, Kavingnar Bharathidasan Road,
Seethammal Colony, Mig Colony,
Alwarpet, Chennai-600 018

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to refund the 2 percentage excess stamp duty collected, amounting to Rs.4,60,000/- (Rupees Four lakhs sixty thousand only) which has been collected (in excess)as stamp duty for registration before the 3rd respondent of the



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sale certificate dt.24.9.2025 issued under the SARFEASI ACT 2002 by the authorised officer SAARB DIVISION SBI Madurai and registration as Doct.No.1332/2025 before the 3rd respondent

For Petitioner : Mr.J.Chandran Sundar Sashikumar

For Respondent : Mr.P.Harish, GA

ORDER

This writ petition has been filed to direct the respondents to refund the 2% excess stamp duty, amounting to Rs.4,60,000/- (Rupees Four lakhs sixty thousand only) which has been collected (in excess) as stamp duty for registration before the 3rd respondent of the sale certificate dated 24.9.2025.

2. Mr.P.Harish, learned Government Advocate, takes notice on behalf of the respondents.

3. By consent of the parties, the main writ petitions have been taken up for disposal in the admission stage itself.



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4. The learned counsel for the petitioners would submit that in this case, the petitioner had purchased a flat vide bank auction and submitted the relevant documents before the 3rd respondent for registration, for which, the stamp duty of 5% was required to be paid as per the guidelines of Registration Department. However, the 3rd respondent had received 7% as stamp duty. At that time, without any other option, the petitioner paid the said 7% and registered the document and now, they send a notice to refund the excess 2% stamp duty. However, the said notice was not at all considered by the respondent till date. Hence, this petition.

5. In reply, the learned Government Advocate appearing for the respondents would submit that the petitioner's refund application will be considered within a period of 6 weeks.

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and also perused the entire materials available on record.



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7. In the case on hand, the petitioner had purchased a flat vide bank auction and submitted before the 3rd respondent for registration, for which, the stamp duty of 5% was required to be paid as per the guidelines of Registration Department. However, the 3rd respondent had received 7% as stamp duty. At the time of registration, without any other option, the petitioner paid the said 7% and registered the document and now, they send a notice to refund the excess 2% stamp duty. However, the said notice was not at all considered by the respondent till date.

8. In view of the above, the respondents are directed to consider the refund request made by the petitioner vide notice dated 13.10.2025 and dispose of the same, on merits and in accordance with law, within a period of 6 weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No cost.



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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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