



W.P(MD)No.4423 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.07.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.4423 of 2023**

Mohammed Rabi.H

... Petitioner

Vs

1. The District Registrar (Administration),  
Tuticorin District.

2. The Sub Registrar,  
Kayal Pattinam,  
Tuticorin.

... Respondents

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the impugned order passed by 1<sup>st</sup> respondent in his proceedings Na.Ka.No. 795/A1/2017 dated 17.03.2020 and to quash the same and consequently, directing the respondents to refund the amount of Rs.36,705/- to the petitioner with interest at the rate of 18 percentage per annum till the date of realization within a time frame as may be fixed by this Court.



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For Petitioner

: M/s.Jessi Jeeva Priya.P

For Respondents

: Mr.D.Sasikumar

Additional Government Pleader

### **ORDER**

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned dated 17.03.2020 and to quash the same and consequently, directing the respondents to refund the amount of Rs.36,705/- to the petitioner with interest at the rate of 18 % per annum till the date of realization.

2. The petitioner submitted that in O.S. No.81 of 2010 on the file of the Sub Court, Tuticorin, a judgment and decree was passed for declaration and for permanent injunction. Pending suit, a compromise award dated 06.12.2014 has been passed by the Lok Adalat, Tuticorin. Thereafter, the petitioner submitted a copy application on 19.01.2015 and received the certified copy of the judgment and decree on 15.03.2015. The said judgment and decree subsequently was corrected and the amended judgment and decree was issued on 15.12.2015. Thereafter, the petitioner submitted the decree on 30.01.2016 before the second respondent to register the same. But the second respondent refused to register the



same stating that it was submitted beyond the period of four months mentioned in Section 23 of the Registration Act, 1908.

3. Thereafter, as per the direction, the petitioner deposited a sum of Rs. 12,555/- through receipt No.201624 dated 24.03.2016 as penalty for delay for Document No.P1/2016 in “C” Account and also a sum of Rs.12,795/- through receipt No.2016266 dated 24.03.2016 as registration fees (Registration Fee Rs. 12,555/-, Computer Fee Rs.190/- and CD Fees Rs.50/-) in “A” Account. Even thereafter, the respondent did not register the document and replied that Rs. 12,555/- paid in Receipt No.201624 was encased in a wrong account and insisted the petitioner to pay further amount of Rs.12,555/- and promised to return the amount paid wrongly in Receipt No.201624. Believing his words, the petitioner paid Rs.12,555/- by a Demand Draft No.970944303 at IOB Bank, Athoor dated 07.10.2026 and Receipt No.2014217 was issued. Thereafter, the document was registered on 15.11.2016 as Document No.2597/2016. After the same, the registration charge was fixed at the market value of the property and not on the total value of the suit as per the circular issued by the first respondent in No. 56710/C2/2001 dated 26.10.2002. The value of the suit property as per the plaint is Rs.1,20,000/- and the registration fees is Rs.1,200/- only. But the second respondent received Rs.12,555/- instead of Rs.1,200/- and a such a sum of Rs. 11,355/- has to be refunded. In total Rs.36,705/- has to be refunded. Hence, the



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present writ petition has been filed.

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4. The learned Counsel appearing for the respondents submitted that the petitioner was entitled to a refund of Rs.12,555/- which had been wrongly appropriated and the same was also refunded based on the interim order passed by this Court. Now, the balance amount ought to be paid.

5. The contention of the petitioner is that the respondents are not entitled to collect fees over and about the suit valuation.

6. On the other hand, the respondents submitted that the petitioner is entitled to a refund of stamp duty alone. As far as the balance amount is concerned, penalty charged by the respondents for exceeding the limitation period cannot be levied since for registration of a judgment and decree, there is no limitation at all.

7. In view of the above, this Court is directing the respondents to refund the said penalty amount. As far as the registration fee is concerned, only 4% is leviable on the suit value of Rs.1,20,000/-. As per the suit valuation it is only 1,20,000/-. Therefore, the respondents shall collect only 4% on Rs.1,20,000/- and the balance amount ought to be refunded. Hence, after deducting 4% of Rs. 1,20,000/-, the balance amount collected shall be refunded to the petitioner with



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interest at the rate of 6% per annum.

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8. With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

**16.07.2025**

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

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To:

1. The District Registrar (Administration),  
Tuticorin District.
2. The Sub Registrar,  
Kayal Pattinam,  
Tuticorin.



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S.SRIMATHY, J.

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ORDER MADE IN  
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DATED : 16.07.2025