



W.P(MD)No.20865 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 31.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P(MD)No.20865 of 2025
and
W.M.P(MD)No.16136 of 2025**

E.Rajesh Kumar

... Petitioner

Vs

The Sub Registrar,
Sub Registration Office,
Vathalagundu, Dindigul.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the notice dated 18.10.2024 on the file of the respondent and quash the same as arbitrary and illegal and consequently to direct the respondent to remove the entry made in the encumbrance register within a time frame stipulated by this Court.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.G.Suriya Ananth
Additional Government Pleader



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ORDER

This writ petition is filed for the issuance of a *Writ of Certiorarified Mandamus*, to quash the impugned notice dated 18.10.2024 on the file of the respondent and consequently direct the respondent to remove the entry made in the encumbrance register within a time frame stipulated by this Court.

2. The learned counsel appearing for the petitioner submitted that the petitioner had registered a sale deed dated 03.02.2023 in Document No. 492/2023, and the document was also released. Subsequently, the respondent issued the impugned notice dated 18.10.2024 based on an audit objection.

3. The contention of the petitioner is that the respondent cannot proceed to recover the deficit stamp duty merely based on an audit objection. In support of this contention, the petitioner relied on the order passed by the learned Single Judge of this Court *in W.P.(MD) No. 21079 of 2018* dated 10.09.2024, wherein it was held that the respondent cannot directly demand deficit stamp duty. This Court is also on the same opinion that based on the



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audit objection the respondent cannot directly collect the deficit stamp duty.

WEB COPY The respondent ought to invoke Section 47A of the Indian Stamp Act, 1899, issue notice, call for objections, then ought to consider the objections and pass order. In the present case, notice was issued directly demanding the deficit stamp duty which was pointed out in the audit objection. The respondent cannot directly collect the deficit stamp duty without initiating appropriate proceedings under Section 47A of the Indian Stamp Act, 1899. Further, the impugned notice is violation of the principles of natural justice. Furthermore, it is seen that the District Registrar is the appropriate authority to consider the issue. Hence, the impugned notice issued by the Sub Registrar is without jurisdiction. Therefore, the impugned notice is liable to be quashed. Accordingly, the impugned notice dated 18.10.2024 issued by the respondent is hereby quashed.

4. Therefore, the District Registrar shall consider the case afresh after considering the relevant documents. If he is coming to the conclusion that the deficit stamp duty is payable by the petitioner, he shall initiate appropriate proceedings in accordance with law.



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5. With the above observations, this Writ Petition stands disposed

of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

31.07.2025

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

PJL

To

The Sub Registrar,
Sub Registration Office,
Vathalagundu, Dindigul.



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S.SRIMATHY, J.

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ORDER MADE IN
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DATED : 31.07.2025