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Sub.Apl.(MD).No.330 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Sub Application(MD)No.330 of 2024

in

Cont.P.(MD)No.771 of 2024

R.Muniyandi

... Petitioner/Appellant

vs

1. Dinesh Ponraj Oliver,
The Chief Revenue Controlling Authority
Cum Inspector General of Registration
100, Santhome High Road,
Chennai-600028.

2. Manikandan
The Special Deputy Collector (Stamps),
District Collector's Office Complex,
Thanjavur District.

... Respondents/Respondents

PRAYER: Sub Application is filed under Section 151 of CPC, to reopen the contempt petition Cont.P.(MD).No.771 of 2024 which was closed on 16.08.2024 on the file of this Court.

For Petitioner

: Mr.K.Rajeshwaran

For Respondents

: Mr.D.Sasikumar

Additional Government Pleader



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ORDER

The present sub application has been filed seeking to reopen the contempt proceedings which were closed on 16.08.2024, wherein, it was recorded that the documents have already been sent to the concerned Sub-Registrar office and the petitioner can collect the documents.

2. It is the contention of the learned Counsel appearing for the appellant that the document was not released by the concerned Sub Registrar. But, a demand notice was issued for payment of a sum of Rs.54,840/- towards registration charges.

3. The petitioner has challenged the order passed by the Chief Revenue officer in C.M.A(MD).No.77 of 2010. This Court by an order dated 26.04.2023, had set aside the order and allowed the appeal. The state had filed a review in Rev.Apl.(MD).No.65 of 2024.

4. The learned Additional Advocate General appearing for the review applicant had contended that pending appeal, the petitioner had paid the additional stamp duty as demanded by the authorities. However, interest was not paid for the belated payment. This Court pointed out that when the payment



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is made pending appeal, the question of payment of interest could not arise.

This Court also found that the petitioner may not be entitle to seek refund of the additional stamp duty paid by them during the pendency of the appeal. This Court had found that it is not necessary to review the order and the review application was closed. The orders passed by this Court in CMA(MD).No.77 of 2010, dated 26.04.2023, and Rev.Aplc.(MD).No.65 of 2024 dated 18.07.2024, would clearly reveal that the order demanding additional stamp duty from the writ petitioner has been quashed by this Court.

5. The petitioner has voluntarily made payment of the additional stamp duty. Taking advantage of the same, the authorities cannot demand additional registration charges. Therefore, this Court is of considered opinion that the demand made by the authorities for additional registration charges is not sustainable in the eye of law. The documents have already been released and no further action can be initiated as against the petitioners demanding additional stamp duty or additional registration charges.



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6. In view of the above said facts, there is no necessity to reopen the contempt petition. This sub application stands closed.

27.01.2025

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

1. The Chief Revenue Controlling Authority
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R.VIJAYAKUMAR, J.

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