



W.P.(MD) Nos.35661 to 35664 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2025

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)Nos.35661 to 35664 of 2025

and

W.M.P.(MD)Nos.28263, 28274, 28272 & 28270 of 2025

K.Ashok Kumar

... Petitioner in
W.P.(MD)No.35661/2025

M.Vinothkumar

... Petitioner in
W.P.(MD)No.35662/2025

D.Surendran

... Petitioner in
W.P.(MD)No.35663/2025

K.Sridhar

... Petitioner in
W.P.(MD)No.35664/2025

Vs

1. Deputy Inspector General of Registration,
Registration Department, Madurai.
2. The District Registrar,
Madurai South, Madurai.
3. The Sub Registrar,
Cholavanthan, Madurai District.

... Respondents
in all W.Ps.



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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Recovery order passed by the 3rd respondent in his undated and unnumbered proceedings which was served to petitioners on 01.12.2025 and to quash the same as illegal, arbitrary and consequently direct the respondents to remove the entry of recovery from the encumbrance certificate as against the Doc.Nos. 2230/2024, 2231/2024, 2232/2024 and 2233/2024 dated 14.11.2024.

For Petitioners : Mr.S.Ramanathan
(In all W.Ps)

For Respondents : Mr.M.Lingadurai,
(In all W.Ps) Spl. Govt. Pleader

COMMON ORDER

These Writ Petitions are filed challenging the impugned recovery order passed by. the 3rd respondent, which was served to the petitioners on 01.12.2025 and seeking for a consequential direction to the respondents to remove the entry of recovery from the encumbrance certificate as against the Doc.Nos.2230/2024, 2231/2024, 2232/2024 and 2233/2024 dated 14.11.2024.



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2. Mr.M.Lingadurai, learned Special Government Pleader takes notice for the respondents. By consent, these Writ Petitions are taken up for final disposal at the admission stage itself.

3. According to the petitioners, the 3rd respondent has issued the impugned recovery notice with regard to the short payment of stamp duty, without issuing any prior notice to the petitioners. Therefore, there is violation of principles of natural justice. Hence, the impugned orders are liable to be quashed.

4. The learned Special Government Pleader appearing for the respondents would submit that if the matters are remanded back to the respondents, appropriate orders will be passed afresh.

5. Considering the facts and circumstances of the case, this Court is of the view that no notice was issued before passing the recovery order, so as to enable the petitioners to file their reply for short payment of stamp duty. Therefore, this Court is inclined to remand the matters back to the respondents for fresh consideration. Accordingly, the impugned orders are set aside and the matters are remanded back to the



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respondents for fresh consideration. The first respondent is directed to issue notice to the petitioners and thereafter, pass appropriate orders in accordance with law with regard to short payment of stamp duty.

6. With the above observations, these Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

12.12.2025

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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To

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Registration Department, Madurai.
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KRISHNAN RAMASAMY, J.

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