

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.25566 of 2015 MP 1/15

M/s.Bharat Petroleum Corporation Ltd.,
Rep. By its Territory Manager (Retail)
Shri V.Arul Muthunathan,
Having Office at Irugur Top
Installation, Ravathur,
Coimbatore - 641 103. ... Petitioner

Vs.

1. Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.
2. Special Deputy Collector (Stamps),
District Collector Office,
Coimbatore - 641 018.
3. Deputy Revenue Officer (Stamps),
District Collector Office Building Complex,
Coimbatore.
4. Joint Sub Registrar - I,
102, State Bank Road,
District Collector Office Campus,
Coimbatore - 641 018. ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorarified mandamus to quash the orders of the fourth respondent dated 08.06.2015 under Ref.No.6447/B1/2015 and the final Notice of the third respondent dated 20.07.2015 under Ref.No.761/C/2000 and consequently to direct the fourth respondent to release original Sale Deed dated 30.09.1999 registered as Doc.No.3967 of 1999.

For Petitioner : Mr.O.R.Santhanakrishnan
For Respondents : Mr.Roofus Abraham, GA

O R D E R

The petitioner is a statutory Corporation. Proceedings have been initiated on the document presented by the petitioner on the ground of deficit stamp duty and thereafter, a final order was passed on 29.06.2005. There was a subsequent communication between the parties followed by the final notice, which is sought to be challenged in the present writ petition.

2. Learned counsel appearing for the petitioner submitted that the procedures, as contemplated as per the law, have not been followed. A communication dated 08.06.2015 also stated that the document has been sent to the second respondent / Special Deputy Collector (Stamps), District Collector Office, Coimbatore. As per the law, the petitioner is entitled to get the document, subject to conditions that can be imposed. Therefore, the writ petition will have to be allowed.

3. Learned Government Advocate appearing for the respondents submitted that the petitioner, having slept over the matter, cannot agitate the same at this point of time in this writ petition. The petitioner was also served with Form - II. The respondents also have followed the procedures as contemplated under the law. Therefore, no interference is required.

4. Insofar as the return of document is concerned, the same cannot be withheld by the respondents, for, law requires a document to be returned subject to conditions that can be imposed including an endorsement indicating the pendency of the proceedings with respect to payment of deficit stamp duty. Accordingly, a direction is issued to the third respondent to take appropriate steps to return the document to the petitioner by getting it from the second respondent subject to conditions that can be imposed including the endorsement as indicated above, within a period of eight weeks from the date of receipt of a copy of this order.

5. With regard to deficit stamp duty, it is seen that the petitioner has been agitating the matter for quite a long time, though there is some delay. The petitioner is a statutory Corporation. What it wants is an opportunity to agitate the issue on merits. Therefore, considering the same, the petitioner is permitted to file an appeal before the first respondent within a period of four weeks from the date of receipt of a copy of this order challenging the final order dated 29.06.2005. While doing so, the petitioner is not required to file the original order dated 29.06.2005, as it is sufficient to file it with a xerox copy of the same, since it is

stated that the petitioner is not in a position to get the same. As and when such appeal is filed, the same will have to be entertained and decided on merits by the first respondent with a period of four weeks thereafter, without rejecting it on the ground of limitation.

6. With the above said directions, the writ petition stands disposed of. No Costs. M.P.No.1 of 2015 is closed.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.
2. Special Deputy Collector (Stamps),
District Collector Office,
Coimbatore - 641 018.
3. Deputy Revenue Officer (Stamps),
District Collector Office Building Complex,
Coimbatore.
4. Joint Sub Registrar - I,
102, State Bank Road,
District Collector Office Campus,
Coimbatore - 641 018.

+1 cc to Mr.O.R.Santhanakrishnan, Advocate (sr.54885)
+1 cc to The Government Pleader (sr.55086)

W.P.No.25566 of 2015

VD(co)
cp 19/10/2015

WEB COPY