

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P. Nos. 40424 and 40425, 40457 and 40458, 40504 to 40508
and 40509 to 40513 of 2015

D.Anuradha ... Petitioner in W.P.No.40424 of 2015
D.Anusuya ... Petitioner in W.P.No.40425 of 2015
D.Sasikumar ... Petitioner in W.P.Nos.40457 & 40458/15
R.P.Darrmalingam ... Petitioner in W.P.No. 40504 to
40508/15
D.Sangupathy ... Petitioner in W.P. No. 40509 to
40513 of 2015

Vs.

1. The District Revenue Officer (Stamps),
O/o. The District Collector,
5th Floor, M.Singaravelar Maligai,
No. 62, Rajaji Road, Chennai - 1.
...Respondent No. 1 in all writ petitions

2. The Sub Registrar,
Purasawalkam. ...Respondent No. 2 in W.P. Nos. 40424,
40457, 40504, 40505, 40509 of 2015.

2. The Sub Registrar,
Redhills. ...Respondent No. 2 in W.P. Nos. 40506,
40507, 40508 of 2015.

2. The Sub Registrar,
Sembiam. ...Respondent No. 2 in W.P. Nos. 40510,
40511, 40512, 40513, 40425,
40458 of 2015.

Prayer in W.P. No. 40424 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the Dstraint Order dated nil signed on 12.12.2013 issued in FORM No. 1, under Section 8 of the Tamil Nadu Act 11 of 1864, by the 2nd respondent and Notice (Thakkeethu) Na.Ka.Cee.Pa. No. 137/01/A2 dated 6/15 signed on 03.06.2015 and post card signed on 04.08.2015 both issued by the 1st respondent in respect of document No. 797 of 2001 on the file of sro, Purasawalkam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40425 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the 2nd respondent relating to the notice (Thakkeethu) dated 01.06.2015 issued by the 2nd respondent, in respect of document No. 4517 of 1997 on the file of SRO, Sembiam, 2nd respondent herein, quash the same.

Prayer in W.P. No. 40457 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the Dstraint Order dated 13.12.2013 issued in FORM No. 1, under Section 8 of the Tamil Nadu Act 11 of 1864, by the 2nd respondent and Notice (Thakkeethu) Na.Ka.Cee.Pa. No. 137/01/A2 dated 6/15 signed on 03.06.2015 and post card signed on 04.08.2015 both issued by the 1st respondent in respect of document No. 798 of 2001 on the file of SRO, Purasawalkam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40458 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the 2nd respondent relating to the notice (Thakkeethu) dated 01.06.2015 issued by the 2nd respondent, in respect of document No. 3491 of 1998 on the file of SRO, Sembiam, 2nd respondent herein, quash the same.

Prayer in W.P. No. 40504 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the Dstraint Order dated 13.12.2013 issued in FORM No. 1, under Section 8 of the Tamil Nadu Act 11 of 1864, by the 2nd respondent and post card signed on 04.08.2015 both issued by the 1st respondent in respect of document No. 2036 of 2001 on the file of SRO, Purasawalkam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40505 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the Dstraint Order dated 13.12.2013 issued in FORM No. 1, under Section 8 of the Tamil Nadu Act 11 of 1864, by the 2nd respondent and Notice (Thakkethu) Na.Ka.Cee.Pa No. 137/01/A2 dated 6/15 signed on 03.06.2015 and post card signed on 04.08.2015 both issued by the 1st respondent in respect of document No. 219 of 2002 on the file of SRO, Purasawalkam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40506 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the Notice dated nil issued by the 2nd respondent under Revenue Recovery Act and Notice (Thakkethu) Na.Ka.Cee.Pa No. 15897/98/A4 dated nil signed on 03.06.2015

and post card signed on 02.07.2015 both issued by the 1st respondent in respect of document No. 4836 of 1998 on the file of SRO, Purasawalkam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40507 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the Notice (Thakkethu) Na.Ka.Cee.Pa No. 494/02/A4 dated nil signed on 03.06.2015 and post card signed on 02.07.2015 both issued by the 1st respondent in respect of document No. 4675 of 2001 on the file of SRO, Redhills, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40508 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the Notice (Thakkethu) Na.Ka.Cee.Pa No. 381/02/A4 dated nil signed on 03.06.2015 and post card signed on 02.07.2015 both issued by the 1st respondent in respect of document No. 4780 of 2001 on the file of SRO, Redhills, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40509 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the Distraint Order dated 13.12.2013 issued in FORM No. 1, under Section 8 of the Tamil Nadu Act 11 of 1864, by the 2nd respondent and Notice (Thakkethu) Na.Ka.Cee.Pa No. 137/01/A2 dated 6/15 signed on 03.06.2015 and post card signed on 04.08.2015 both issued by the 1st respondent in respect of document No. 795 of 2001 on the file of SRO, Purasawalkam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40510 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the respondents relating to the Notice (Thakkethu) Na.Ka.Cee.Pa No. 228/1996 dated 6/15 signed on 03.06.2015 and post card signed on 04.08.2015 both issued by the 1st respondent and Notice (Thakkethu) dated 08.06.2015 issued by the 2nd respondent, in respect of document No. 1822 of 1996 on the file of SRO, Sembiam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40511 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the 2nd respondent relating to the Notice (Thakkethu) dated 01.06.2015 issued by the 2nd respondent, in respect of document No. 4514 of 1997 on the file of SRO, Sembiam, the 2nd respondent herein, quash the same.

Prayer in W.P. No. 40512 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of

certiorari to call for the records of the 2nd respondent relating to the Notice (Thakkethu) dated 28.05.2015 issued by the 2nd respondent and Notice (Thakkethu) No. Na.Ka.Cee.Pa No. 471/1996 dated 6/15 signed on 03.06.2015, post card signed on 04.08.2015 issued by the 1st respondent herein , in respect of document No. 3535 of 1996 on the file of SRO , Sembiam, 2nd respondent herein and quash the same.

Prayer in W.P. No. 40513 of 2015: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the respondents relating to the Notice (Thakkethu) No. Na.Ka.Cee.Pa No. 13/04/A3 dated 6/15 signed on 03.06.2015, post card signed on 04.08.2015 issued by the 1st respondent herein, and Notice dated 10.03.2014 issued by the 2nd respondent, in respect of document No. 6441 of 2004 on the file of SRO , Sembiam, 2nd respondent herein and quash the same.

For Petitioners in all writ petitions : Mr.A.R.L.Sundaresan
Senior Counsel for Mr.M.Vivekanandhan

For Respondents in W.P. Nos.
40424 and 40425 of 2015 : Mr.V.Subbiah,
Special Government Pleader

For Respondents in W.P. Nos.
40457 and 40458, 40504 to 40508
and 40509 to 40513 of 2015 : Mr.R.Govindasamy,
Addl. Government Pleader

COMMON ORDER

As the issues involved in all the writ petitions are one and the same, they have been taken up together and disposed of by a common order.

2. Heard the learned Senior Counsel appearing for the petitioners and the learned Special Government Pleader as well as the Additional Government Pleader for the respondents.

3. The contentions raised in all the writ petitions are one and the same. Learned Senior Counsel appearing for the petitioners submitted that the certified copy of the final order determining the deficit stamp duty has not been communicated to the petitioners and the impugned order is passed without following the due procedure of law. In support of his contention, learned Senior Counsel has placed reliance on the order passed by this Court in W.P. Nos. 28979 and 28989 of 2015, dated 29.09.2015.

4. The question as to whether the petitioners have been served with the final order or not and while doing so proper procedure has been followed or not, being questions of facts,

this Court is not willing to go into the same. Suffice, it is to direct the respondent No. 1 to furnish a copy of the final order to the petitioners determining the deficit stamp duty payable by them, within a period of two weeks from the date of receipt of copy of this order. After receipt of the same, the petitioners are given further period of four weeks from the date of receipt of copy of the said order to file statutory appeals. As and when the appeals are filed within the time granted above, the Appellate Authority will have to dispose of the same on merits and in accordance with law, without rejecting them on the ground of delay. Till the time is granted to the petitioners for filing appeal, status quo as on today shall be maintained. Insofar as, return of original documents is concerned, it is open to the petitioners to take appropriate steps as per law, including filing separate writ petitions for the same.

5. With the above directions, the writ petitions are disposed of. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (Cs-III)

/TRUE COPY/

Sub-Assistant Registrar

rms

To

1. The District Revenue Officer (Stamps),
O/o. The District Collector,
5th Floor, M.Singaravelar Maligai,
No. 62, Rajaji Road, Chennai - 1.

2. The Sub Registrar, Purasawalkam

3. The Sub Registrar, Redhills.

4. The Sub Registrar, Sembiam.

+14 CC to MR.M.Vivekanandan Advocate. SR.NO. 69412, 69418
to 69420, 69476, 69505 to 69510, 69512 to 69514

+4 CC to Govt.Pleader. SR.NO. 69665, 69667, 69658 & 69605

W.P. Nos. 40424 and 40425,
40457 and 40458, 40504 to 40508
and 40509 to 40513 of 2015

CO-KJI
JD 07/01/2016