IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.25513 of 2010

Tmt.Vasanthamani ...Petitioner

Vs.

1. The Chief Controlling Revenue Authority-cum- Inspector General of Registration Department, Chennai,

2. The District Revenue Officer (Stamps), Coimbatore District, Coimbatore.

3. The Sub-Registrar, Office of Sub-Registrar, Chennimalai, Erode District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for records pertaining to the impugned final order passed by the 2nd respondent made in Mu.Pa.No.2946/2001P dated 7.7.2004 confirmed by the 1st respondent by his proceedings in Mu.Mu.No.34074/N2/2010 dated 27.8.2010, quash the same and further direct the respondents to release the document registered as Document No.883/2001 before the 3rd respondent.

For Petitioner : Mr.S.Guruprasad for Mr.S.Ramu

For Respondents : Mr.A.Kumar,Spl.Govt.Pleader

ORDER

The petitioner got the sale deed bearing Document No.883/2001 registered on 28.8.2003. Finding that adequate stamp duty has not been paid, proceedings under Section 47-A of the Indian Stamp Act were initiated. The petitioner made a representation alleging that he has not been issued with final order. Thereafter, a copy of the same was given to him on 1.6.2010. After the receipt of the same, the petitioner filed appeal before the 1st respondent on 26.6.2010 and the same was rejected by the 1st respondent by impugned order dated 27.8.2010 on the ground that the appeal is barred by limitation. Challenging the same, the present writ petition has been filed.

2. It is the specific case of the petitioner that he has not received the order earlier and as such the question of limitation would arise only after receipt of the order. No finding has been given in the order impugned in this regard. Furthermore, the period fixed under the Statute is only directory but not mandatory, meaning thereby for sufficient cause the delay can be condoned. Even otherwise, Section 14 of the Limitation Act, though technical, the principal applied for a suit can be applied for a quasi judicial proceedings as well, as per the judgmnet of the Apex Court. What the petitioner wants is only an opportunity to file appeal.

3. Therefore, considering the facts and circumstances of the case, the order impugned is set aside and the petitioner is directed to re-present the appeal papers before the 1st respondent within a period of four weeks from the date of receipt of copy of this order. After receiving the same, the 1st respondent will have to decide the appeal on merits. The writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Controlling Revenue Authority-
cum- Inspector General of Registration Department,
Chennai,

2. The District Revenue Officer (Stamps),
Coimbatore District,
Coimbatore.

3. The Sub-Registrar,
Office of Sub-Registrar,
Chennimalai,
Erode District.

1 CC to Mr.S.Guruprasad, Advocate SR.No. 48521

1 CC to the Government Pleader, SR.No. 48658

W.P.No.25513 of 2010

KGK (CO)
PSI (24.09.2015)