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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.07.2015

CORAM

THE HONOURABLE **MR.JUSTICE R.MAHADEVAN**

W.P(MD).No.5899 of 2013

M/s.Bharakath Industries,
rep.through its Managing Partner,
M.Y.Abdul Jaleel,
Plot No.D12/D.P.Estate,
Thuvakudi, Trichy-620 015

... Petitioner

Vs

1.The Special Deputy Collector, (Stamps),
District Collector Office Complex,
Tiruchirapalli.

2.The Sub Registrar,
Thiruverambur, Tiruchirapalli.

... Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in Tha.Pa.1704/11 dated 28.07.2011 and quash the same as illegal, incompetent and without jurisdiction and further direct the second respondent to return the document No.4710/11 to the petitioner herein.

For petitioner	: M/s.M.Palani for Mr.D.Srinivasa Ragavan
For respondents	: Mr.M.Murugan, Govt.Advocate

ORDER

The petitioner has come forward with this Writ Petition praying for a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent in Tha.Pa.1704/11 dated 28.07.2011 and quash the same and further direct the second respondent to return the document No.4710/11 to the petitioner herein. By the said impugned order, the second respondent herein has demanded the deficit stamp duty payable to the respondents. In the meanwhile, the petitioner has preferred an appeal to the first respondent followed by a legal notice dated 24.07.2012. Since there is no objection from the petitioners is before this Court for the relief stated supra.



2. The learned Counsel for the petitioner would fairly submit that instead of filing an explanation to the show cause notice issued by the second respondent, the petitioner had wrongly approached the first respondent, by filing an appeal. Hence, he prayed this Court that time may be given to submit his explanation to the show cause notice issued by the second respondent.

3. On notice, the learned Additional Government Pleader, through his counter affidavit, would submit that the guideline value for Trichy-Thanjavur Highway is Rs.11,500/- per Sq.mts. Since there was a deficit stamp duty, the impugned order came to be passed by the first respondent, which need not be interfered by this Court.

4. Though very many grounds have been raised in the affidavit filed in support of this Writ Petition and a detailed counter affidavit has also been filed, I am of the view that it is only a show cause notice issued by the second respondent. Hence, the petitioner is directed to file his objections, including grounds raised in this Writ Petition, within a period of two weeks from the date of receipt of a copy of this order. On such filing, the second respondent is directed to pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of four weeks from the date of receiving such objections from the petitioner.

With the above direction, this Writ Petition stands disposed of. Consequently, the miscellaneous petitions stand closed. No costs.

Sd/-

Assistant Registrar(Per.Admn.)

\\True copy\\

Sub Assistant Registrar

To

1.The Special Deputy Collector, (Stamps),
District Collector Office Complex,
Tiruchirapalli.

2.The Sub Registrar,
Thiruverambur, Tiruchirapalli.

+1cc to M/s.M.Muthu Geethayan, Advocate Sr.No.35555
+1cc to The Special Government Pleader SR.No.35450

ssm

akm/13.07.15 /2p-5c/

W.P (MD).No.5899 of 2013
01.07.2015