

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.1465 of 2016

WMP.No.1222 of 2016

Vanaja .. Petitioner
vs.

1.The District Revenue Officer (Stamps),
Chennai-1.

2.The Sub Registrar,
Pallavaram,
Chrompet,
Chennai-44.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the first respondent in his proceedings in Na.Ka.Si.Pa.5923/2014 dated 23.12.2015 and quash the same.

For Petitioner : M/s.N.Suresh
For Respondents : Mr.P.Sanjai Gandhi,
Additional Government Pleader

O R D E R

By consent this Writ Petition is taken up for final disposal.

2. In terms of the impugned order, the petitioner was called upon to pay the deficit stamp duty of Rs.10,42,912/- by the first respondent and it is the submission of the learned counsel appearing for the petitioner that the impugned order came to be passed without adhering to the provisions of Rules 4, 6 and 7 of the Tamilnadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968, under which issuance of Form I notice for provisional determination of market value coupled with issuance of notice under Form II to file objections is the statutory requirement and admittedly, it has not been complied with and therefore, prays for interference.

3. Per contra, Mr.P.Sanjai Gandhi, learned Additional Government Pleader appearing for the respondents would submit that the first respondent, after duly following the procedural formalities, has issued the impugned notice and prays for dismissal of this writ petition.

4. This Court has considered the rival submissions and also perused the materials placed before it.

5. As rightly contended by the learned counsel appearing for the petitioner, the first respondent before passing the impugned order has failed to comply with the statutory requirement as stated above and hence, on the sole ground, the impugned order warrants interference.

6. In the result, this Writ Petition is partly allowed and the impugned order of the first respondent in proceedings in Na.Ka.Si.Pa.No.5923 of 2014 dated 23.12.2015 is partly allowed and the matter is remanded to the first respondent, who shall strictly comply with the provisions of the Tamilnadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968 and thereafter, pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

jvm

To

1.The District Revenue Officer (Stamps),
Chennai-1.

2.The Sub Registrar,
Pallavaram,
Chrompet,
Chennai-44.

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