

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.18591 of 2013
and
M.P.No.1 of 2013

1.B.Dhamodaran
2.D.Jayaraman

... Petitioners

vs.

1.The District Revenue Officer,
(Stamps),
Chennai - 600 001.

2.The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records from the first respondent in R.C.No.167 of 2009 dated 31.8.2012 relating to Document No.10457 of 2008 on the file of the Joint Sub-Registrar II, Chengalpattu Town and quash the same.

For petitioners : Mr.A.S.Narasimhan

For respondents : Mr.S.Navaneethakrishnan,
Additional Government Pleader

ORDER

The learned counsel appearing for the petitioner would submit that the first petitioner purchased 39 cents in Chengalpattu Town IVth Ward, Natham "B" Block, T.S.No.1180/2 from (1) K.Aruldoss, (2) K.Paramanandam @ Paramasivam, (3) Tmt.Mary (4) Tmt. Sundari (5)Mr.Kamaraj (6) Tmt.Selvamani (7) Thiru Sampth (8) Thiru Karunakaran and 99) Thiru Amulraj. They had executed a registered power of attorney in favour of one R.Kumar, who executed the sale deed dated 26.12.2008 and the same was presented for registration. The sale consideration

mentioned in the Document and paid by the petitioners was Rs.3 laksh. It was registered as Document No.10457/2008 before the Joint Sub-Registrar II, Chengalpattu. Thereafter, the first respondent, without giving an opportunity to the petitioners and without hearing their objections, fixed the guideline value at the rate of Rs.255/- per sq.ft. The first respondent has not communicated the final order passed by him. Under the Right to Information Act, they came to know that an order was passed on 31.8.2012 by the first respondent directing the petitioner to remit the balance amount of Rs.3,22,888/-. The second respondent by order dated 7.3.2013 issued an attachment order without specifying the property to be attached. Since the order was despatched to the petitioners, according to the petitioners, they could even prefer an appeal against the order passed by the first respondent. Hence the present Writ Petition.

2. The learned Additional Government Pleader would submit that since the petitioners have not paid the stamp duty according to the guideline value, the first respondent passed the order taking into account the prevailing value of the land and the petitioners were bound to pay the amount demanded. If they are aggrieved, they were given 60 days' time to prefer appeal against the impugned order. Therefore, the Writ Petition is not maintainable as the petitioners are having efficacious alternative remedy by way of appeal to the appellate authority.

3. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents.

4. Since the petitioners have the efficacious alternative remedy by way of preferring an appeal to the appellate authority against the impugned order as provided under clause 5 of Section 47A of the Stamps Act, this Court is not inclined to entertain the Writ Petition.

5. In the light of the above facts and in the interest of justice, this Court is inclined to pass the following orders:-

(i) The petitioners are permitted to file an appeal before the appellate authority within a period of four weeks from the date of receipt of a copy of this Court, failing which, the second respondent can proceed with the recovery proceedings.

(ii) In the event of filing such an appeal by the petitioners within the stipulated time, the appellate authority is directed to consider the same on merits and in accordance with law within a period of 8

weeks thereafter, ignoring the limitation period.

6. The Writ Petition is disposed of, with the above directions. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

asvm

To

1.The District Revenue Officer,
(Stamps),
Chennai - 600 001.

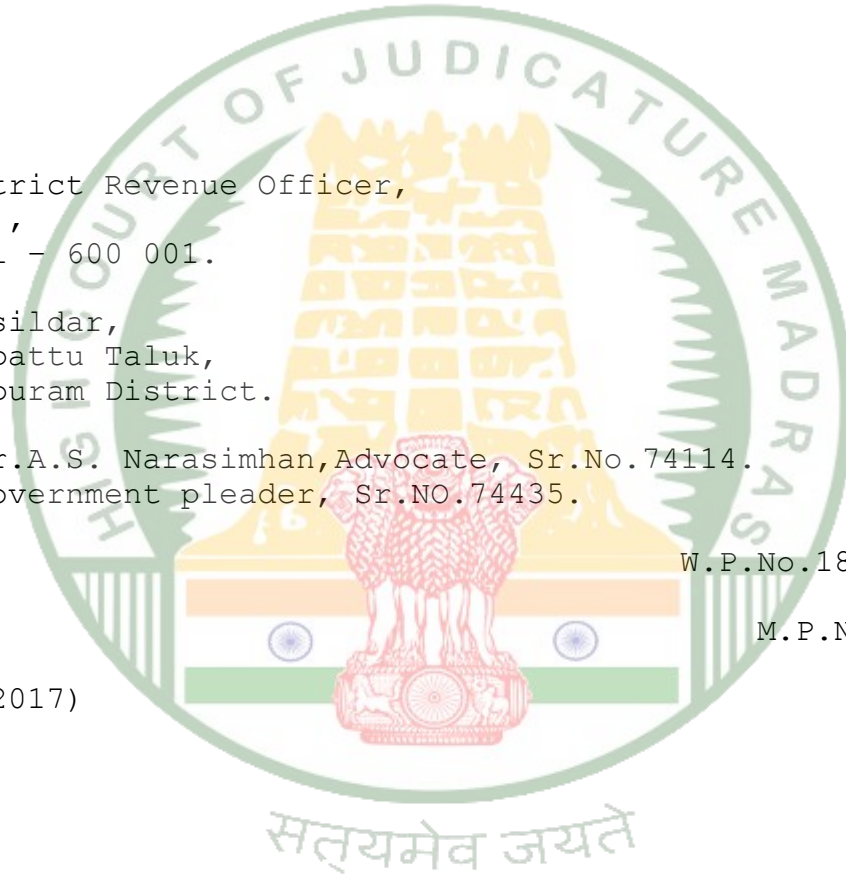
2.The Tahsildar,
Chengalpattu Taluk,
Kancheepuram District.

+1cc to Mr.A.S. Narasimhan, Advocate, Sr.No.74114.

+1cc to Government pleader, Sr.NO.74435.

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NRJK (CO)
GN (20/01/2017)



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