

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2016

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 43855 of 2016

R. Sankar

...Petitioner

Vs.

1. Special Sub Collector
District Revenue Officer
District Revenue Office
5th Floor, Singaravelan Maligai
No.32, Rajaji Salai
Chennai - 600 001.

2. The Sub Registrar
Valajabath.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's appeal dated 15.03.2015 within time framed manner and to pass further orders.

For Petitioner : Mr. K. Sudhakar

For Respondents : Mr. A. Kumar, Spl.G.P

O R D E R

Mr. A. Kumar, learned Special Government Pleader takes notice for the respondents. By consent of the learned counsel for both sides, the writ petition is taken up for final disposal, at the stage of admission itself, in view of the limited prayer.

2. The petitioner has come up with the present writ petition praying to direct the 1st respondent to dispose of the appeal of the petitioner dated 15.03.2015, within the stipulated time frame.

3. Learned counsel for the petitioner submitted that the petitioner purchased a property to an extent of 7795 sq.ft. in Survey No.396/78 and 396/68 at Valajabath Village, which falls within the jurisdiction of the 2nd respondent. The sale

deed was registered on payment of stamp duty of Rs.1,09,200/-. Subsequently, the petitioner was directed to pay the difference in stamp duty of Rs.3,27,340/-. Hence, the petitioner preferred an appeal on 15.03.2015, before the 1st respondent, explaining that the area is not well development and that a high value has been fixed to the said property. As no orders were passed by the 1st respondent, the petitioner is before this Court.

4. Learned Special Government Pleader appearing for the respondents would submit that the matter has been referred under Section 47-A of the Indian Stamp Act, 1899 for determination of the stamp duty. If the said application is still pending before the 1st respondent, the same would be considered in accordance with law.

5. Heard Mr. K. Sudhakar, learned counsel for the petitioner and Mr. A. Kumar, learned Special Government Pleader for the respondents.

6. Considering the facts and circumstances of the case, the first respondent is directed to consider the application of the petitioner dated 15.03.2015, on merits and pass orders, based on the provisions under Section 47-A of the Indian Stamp Act, 1899, after providing an opportunity of hearing, to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of, on the above terms. No costs.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

avr
To

1. The Special Sub Collector
District Revenue Officer
District Revenue Office
5th Floor, Singaravelan Maligai
No.32, Rajaji Salai
Chennai - 600 001.

2. The Sub Registrar
Valajabath.

+1cc to M/S.K.Sudhakar, Advocate Sr.74637
+1cc to the Government Pleader Sr.74811

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srg 3/2/2017



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