

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.6991 of 2016
& W.M.P.No.6207 of 2016

V.Annadurai

.. Petitioner

Vs.

1. The District Revenue Officer (Stamps),
O/o District Collector, Coimbatore-18.
 2. The Sub-Registrar,
Mettupalayam, Coimbatore District.
 3. The Executive Officer,
Karamadai Panchayat,
Karamadai, Coimbatore District.
 4. The Village Administrative Officer,
9, Karamadai Village,
Mettupalayam Taluk,
Coimbatore District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to notice, dated 03.07.2015 in Mu.Pa.No.866/M/2007 issued by the first respondent herein, quash the same and consequently direct the respondents 1 and 2 herein to register the petitioner's document, dated 13.11.2006, vide document No.7164 of 2006 on the file of the second respondent, as per the guideline value prevailed during the period of purchase, namely 2006.

For Petitioner : Mr.J.Pothiraj
For Respondents : Mrs.P.Rajalakshmi, Govt. Advocate for
RR-1 & 2
No appearance for RR-3 & 4

ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Certiorarified Mandamus to call for the records relating to notice, dated 03.07.2015 in Mu.Pa.No.866/M/2007 issued by the first respondent herein, quash the same and

consequently direct the respondents 1 and 2 herein to register the petitioner's document, dated 13.11.2006, vide document No.7164 of 2006 on the file of the second respondent, as per the guideline value prevailed during the period of purchase, namely 2006.

2. It is the case of the petitioner that he purchased a property situated in Survey No.13/1A, measuring an extent of 2.06 acres on 13.11.2006, vide Document No.7164 of 2006 on the file of the Sub-Registrar, Mettupalayam. The said property is a dry agricultural land and situated half kilometer from Coimbatore-Mettupalayam Road. The guideline value of the property situated in Survey No.10/A2 is Rs.32,300/- per acre, the guideline value of the property situated in Survey No.11 is Rs.1,51,680/- per acre and the guideline value of the property situated in Survey No.12/1 is Rs.59,500/- per acre. It is his further case that he has registered the property before the second respondent for more than the guideline value and the second respondent forwarded the sale deed to the first respondent for proper adjudication of the payment of registration fee and stamp duty. The first respondent directed the petitioner to pay Rs.12,00,024/- being the balance stamp duty by fixing the guideline value at Rs.1,58,20,300/- being the balance stamp duty by fixing the guideline value as high as Rs.1,58,20,300/- for the extent of property purchased by the petitioner. In spite of appearing before the first respondent on 24.06.2008, the first respondent directed the petitioner to pay the above said stamp duty. By proceedings, dated 31.05.2010, the first respondent passed an order directing the petitioner to remit Rs.12,00,024/- by fixing the guideline value at Rs.1,58,20,300/- for the property purchased by him. The petitioner submitted his reply/representation, dated 08.07.2010 to the first respondent, by enclosing necessary documents. On 03.07.2015, the first respondent again issued notice to the petitioner to pay Rs.12,00,024/- being the differential stamp duty for the property purchased by the petitioner. Hence, the petitioner has filed this Writ Petition for the above relief.

3. The main contention of the learned counsel for the petitioner is that before passing the impugned order, Form-1 notice was not served on the petitioner and no proper enquiry was conducted. Hence, the impugned order is liable to be set aside.

4. Learned Government Advocate appearing for the first and second respondents, denied the said submission of the learned counsel for the petitioner. However, she admitted that the notice was sent only one day prior to the date of enquiry.

5. However, from the files produced by the learned Government Advocate, it is seen that there is no proof to show that Form-1 notice was served on the petitioner. Therefore, I am of the view that, in the interest of justice, it would be appropriate to set aside the impugned order and remit the matter back to the first respondent.

6. Accordingly, the impugned order, dated 03.07.2015 is set aside. The first respondent is directed to issue fresh notice to the petitioner, conduct enquiry and provide an opportunity of personal hearing to the petitioner and other necessary parties and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above observations, the Writ Petition is disposed of. No costs. W.M.P. is closed.

cs

s/d-
Assistant Registrar(Admn.I)

True Copy

Sub-Assistant Registrar

Copy to

1. The District Revenue Officer (Stamps),
O/o District Collector, Coimbatore-18.
2. The Sub-Registrar,
Mettupalayam, Coimbatore District.
3. The Executive Officer,
Karamadai Panchayat,
Karamadai, Coimbatore District.
4. The Village Administrative Officer,
9, Karamadai Village,
Mettupalayam Taluk,
Coimbatore District.

+ 1 cc to M/s.N.elumalai, Advocate, SR 18145

+ 1 cc to Govt.Pleader, High Court, Madras SR 18410

sai(co)
prk5/4

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