

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.1.2016

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.921 of 2016 and
WMP.Nos.701 & 702 of 2016

D.Sangupathy

.. Petitioner

Vs.

1 The District Revenue Officer
(Stamps) O/o. The District Collector 5th
Floor M.Singaravelar Maligai No.62 Rajaji
Road Chennai-1

2 The Sub Registrar
Redhills

.. Respondents

Prayer: Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the Notice dated nil issued by the 1st respondent under Revenue Recovery Act Notice (Thakkeethu) Na.Ka.Cee.Pa. No.9/99/A4 dated Nil signed on 03.06.2015 and post card signed on 02.07.2015 issued by the 1st respondent in respect of document No.5221 of 1998 on the file of SRO Redhills the 2nd respondent quash the same.

For Petitioner : Mr.M.Vivekanandan

For Respondents : Mr.V.Subbiah,

Special Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents.

2. Learned Counsel appearing for the petitioner submitted that the certified copy of the final order determining the deficit stamp duty has not been communicated to the petitioner and the impugned order is passed without following the due procedure of law. In support of his contention, learned Counsel has placed reliance on the order passed by this Court in W.P. Nos. 28979 and 28989 of 2015, dated 29.09.2015.

3. The question as to whether the petitioner has been served with the final order or not and while doing so proper procedure has been followed or not, being questions of facts, this Court is not willing to go into the same. Suffice, it is to direct the respondent No. 1 to furnish a copy of the final order to the petitioner determining the deficit stamp duty payable by him, within a period of two weeks from the date of receipt of copy of this order. After receipt of the same, the petitioner is given a further period of four weeks from the date of receipt of copy of the said order to file statutory appeals. As and when the appeals are filed within the time granted above, the Appellate Authority will have to dispose of the same on merits and in accordance with law, without rejecting them on the ground of delay. Till the time is granted to the petitioner for filing appeal, status quo as on today shall be maintained. Insofar as, return of original documents is concerned, it is open to the petitioner to take appropriate steps as per law, including filing separate writ petition for the same.

4. With the above directions, the writ petition is disposed of. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1 The District Revenue Officer
(Stamps) O/o. The District Collector 5th
Floor M.Singaravelar Maligai No.62 Rajaji
Road Chennai-1

2 The Sub Registrar
Redhills

+1cc to Mr.M.Vivekanandan, Advocate, S.R.No.1718
+1cc to the Government Pleader, S.R.No.2273

W.P.No.921 of 2016

ca (CO)
srg(18/01/2016)