



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.15450 of 2016

P.R.K.Palanichamy

... Petitioner

vs.

The Special Deputy Collector (Stamps),
Old Ramanathapuram Collector Office,
Madurai-20.

... Respondent

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider the petitioner reply dated 21.04.2016 for notice in SR No.1089/2015.

For Petitioner

: Mr.M.Ramu

For Respondent

: Mr.S.Sadash Kumar

Additional Government Pleader

ORDER

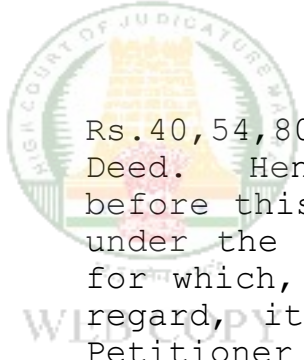
Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal. No counter affidavit is filed.

2.According to the Petitioner, he entered into a Sale Agreement dated 22.09.2010 with one Ayyavu, S/o.Chinnalagan, in respect of the Property in Resurvey No.25/8B, measuring an extent of 52 cents and Resurvey No.25/7, measuring an extent of 10 cents, situated at No.87, Mangalakudi Village, Madurai East, Madurai District, wherein, he had prepared an advance payment of Rs.5,00,000/- to Ayyavu. The stand of the Petitioner is that, on failure of the said Ayyavu to execute the Sale Deed in terms of the Agreement, he filed a suit in O.S.No.54/2012, on the file of the trial Court, praying for issuance of necessary direction to Ayyavu, to execute the Sale Deed in terms of the Agreement. The issue was settled before the Lok Adalat in L.A.No.567/2015 on 03.08.2015. In fact, Ayyavu had agreed to execute the Sale Deed as per the Agreement and the order of the Lok Adalat.

3.The grievance of the Petitioner is that as per the order of the Lok Adalat, the Sale Deed was executed before the 2nd Respondent and it was registered in Document No.5510/2015, dated 12.10.2015. The agreement value of the property is Rs.11,85,000/-. He filed the suit in the year 2012. However, the 2nd Respondent had impounded the original Sale Deed, for reasons best known to him.

<https://hcservices.ecourts.gov.in/hcservices/>

4.At this stage, the Learned Counsel for the Petitioner submits that the present market value of the Property in question is



Rs.40,54,800/-. In fact, the 2nd Respondent had withheld the Sale Deed. Hence, the Petitioner has filed the present Writ Petition before this Court. Before that, the Respondent had issued a Notice under the Tamil Nadu Stamp Act Rules 1968 (Rule 4) on 21.01.2016, for which, the Petitioner had sent a Reply on 21.04.2016. In this regard, it is represented on behalf of the Respondents that the Petitioner had sent a Reply after a lapse of time of 21 days granted by the Authorities concerned.

5.Considering the fact that the Petitioner's Reply/Representation/Petition dated 21.04.2016, is pending on the file of the Respondent/Special Deputy Collector(Stamps), Madurai, at this stage, this Court without delving deep into the merits and demerits of the Representation, simpliciter directs the Respondent to look into the Representation of the Petitioner dated 21.04.2016, in a fair, free objective and dispassionate manner, and to pass a reasoned speaking order, within a period of six weeks from the date of receipt of copy of this order. In case, the Respondent is in need of further particulars in the subject matter in issue from the Petitioner, or is in requirement of any Document or Certified Copy of relevant Record to be furnished by the Petitioner, then the Respondent is at liberty to issue Memo/Notice to the Petitioner in this regard and soon after receipt of the Certified Copy of Record furnished by the Petitioner, the Respondent shall take into account the same and pass necessary orders, within the time adumbrated by this Court. The Petitioner is directed to lend his Assistance and unstinted co-operation to the Respondent, so as to enable the latter to do the needful as per the time schedule granted by this Court as aforesaid.

With the aforesaid Observation(s) and Direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To
The Special Deputy Collector (Stamps),
Old Ramanathapuram Collector Office,
Madurai-20.

+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 46532

+1cc to M/S.M.RAMU,ADVOCATE, SR NO: 46432

nbi

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