



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2016

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CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)Nos.10714,10725,10773 & 10814 of 2013 and
M.Ps. In all W.Ps.

Writ Petition(MD)No.10714 of 2013

V.Ramu ... Petitioner
Vs.

1.The Special Deputy collector (Stamps),
Virudhunagar,
Virudhunagar District.

2.The sub Registrar,
Thirupooovanam,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying, to issue a Writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for the records relating to the impugned Emergency Notice issued by the 1st Respondent in his proceedings Tha. Pa. No.S. 2/243/08 dated Nil 10.12. and the consequential memo issued by the 2nd Respondent in his proceedings Kaa.Mu.No. 30/ 2013 dated 12.04.13 and quash the same, as illegal.

Writ Petition(MD)No.10725 of 2013

V.Ramu ... Petitioner
Vs.

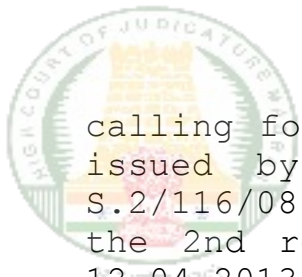
1.The Special Deputy collector (Stamps),
Virudhunagar,
Virudhunagar District.

2.The sub Registrar,
Thirupooovanam,
Sivagangai District.

... Respondents

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

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying, to issue a Writ of Certiorari



calling for the records relating to the impugned Emergency Notice issued by the 1st respondent in his proceedings Tha.Pa.No. S.2/116/08 dated10.12 and the consequential memo issued by the 2nd respondent in his proceedings Kaa.Mu.No. 30/2013 dated 12.04.2013 and quash the same, as illegal.

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Writ Petition(MD)No.10773 of 2013

V.Ramu

... Petitioner

Vs.

1.The Special Deputy collector (Stamps),
Virudhunagar,
Virudhunagar District.

2.The sub Registrar,
Thirupoovanam,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying, to issue a writ of Certiorari or any other appropriate writ or order or direction in the nature of writ calling for the records relating to the impugned Emergency Notice issued by the 1st Respondent in his proceedings Tha. Pa.No. S.2/244/08 dated __.10.12 and quash the same, as illegal.

Writ Petition(MD)No.10814 of 2013

V.Ramu

... Petitioner

Vs.

1.The Special Deputy collector (Stamps),
Virudhunagar,
Virudhunagar District.

2.The sub Registrar,
Thirupoovanam,
Sivagangai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying, to issue a Writ of Certiorari calling for the records relating to impugned Emergency Notice issued by the 1st respondent in his proceedings Tha.pa.No.S.2/242/08 dated ...10.12 and quash the same, as illegal.

For Petitioner	:	Mr.M.E.Ilango in all W.Ps.
For Respondents	:	Mr.R.Anandharaj in all W.Ps.



O R D E R

The petitioners are challenging the impugned notice issued by the first respondent directing the petitioners to pay the deficit Court stamp duty.

2. The contention of the petitioners in all the cases is that without notice, the first respondent passed an impugned order Under Section 47(A) of the Indian Stamp Act to pay the deficit stamp duty.

3. The learned Government Advocate appearing for the respondents filed counter and submitted that already the respondents informed about the deficit Stamp Duty, as per Section 47(A) of the Indian Stamp Act in Proceeding Nso.Thi.Pa.S2/243 and 244/2008 dated 26.02.2010 and Thi.Pa.No.S2/116 and 242/2008 dated 31.12.2008 respectively. Since the petitioner failed to pay the above said deficit stamp duty, the present impugned notice have been issued and he has also produced the copy of the order passed by the first respondent.

4. The learned counsel appearing for the petitioners submitted that they were not aware of the order passed by the first respondent and no notice has been issued and no enquiry was conducted towards passing the above said order.

5. Considering the facts and circumstances of the case, without going into the merits of the case, the impugned orders passed by the first respondent are set aside and the matter is remanded back to the first respondent and that the first respondent is directed to conduct an enquiry after issuing notice to the parties and hearing on objections pass an orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order..

6. With the above direction, all the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

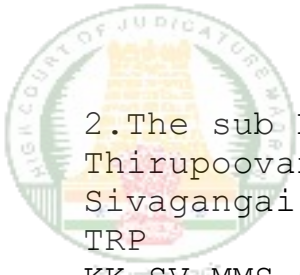
Sd/-
Assistant Registrar[CO]

/True copy/

Sub Assistant Registrar

To

1.The Special Deputy collector (Stamps),
Virudhunagar,
Virudhunagar District.



2.The sub Registrar,
Thirupooovanam,
Sivagangai District.

TRP

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