

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.15593 of 2017

V.S.Muthupandian

.. Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The Sub Registrar,
Anna Nagar, J.J.Complex,
Thirumangalam,
Chennai - 600 040

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 16.06.2017 in Impound No.2/2017 passed by the second respondent and quash the same as arbitrary, illegal, against law and consequently direct the second respondent to assign regular number to the said document and deliver the same to the petitioner.

For Petitioner: Mr.K.N.Nataraj

For Respondents: Mr.A.Kumar
Special Government Pleader.

O R D E R

Heard both sides.

2. The petitioner is aggrieved against the proceedings dated 16.06.2017 issued by the 2nd respondent which is nothing but a show cause notice calling upon the petitioner to show cause within 21 days as to why the instrument in question should not be treated as Sale and deficit stamp duty of Rs.3,77,000/- should not be collected from him along with penalty as laid down under Section 40 of the Indian Stamp Act 1899. When such being the factual position, I do not think that the petitioner

can approach this Court and file the present writ petition challenging the show cause notice, more particularly, when the question of jurisdiction is not involved in this case. Therefore, it is for the petitioner to give a suitable reply to the show cause notice and consequently, the 2nd respondent has to consider the said reply and pass a final order thereafter on merits and in accordance with law.

3. Accordingly, the writ petition is disposed of without expressing any view on the merits of the claim made by the respective parties only with a direction to the petitioner to give a reply to the impugned show cause notice within a period of seven days from the date of receipt of a copy of this order. On receipt of such reply, the 2nd respondent shall consider the same and pass orders on merits and in accordance with law after giving due opportunity of hearing to the petitioner within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The Sub Registrar,
Anna Nagar, J.J.Complex,
Thirumangalam,
Chennai - 600 040.

+ 1 cc to Mr. K.N. Nataraj, Advocate SR.73829(24.11.17)

W.P.No.15593 of 2017

CS-IV

EU(24/11/2017)

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