

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.42716 of 2016

C.Thamizh Maran

... Petitioner

Vs

1. The District Revenue Officer (Stamps)
Collectorate,
V Floor, M.Singaravelan Maligai,
32, Rajaji Salai, Chennai - 600 001.

2. The Sub Registrar,
Thiruporur Sub Registrar Office,
Thiruporur.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass final orders in the 47A proceedings initiated against the document Nos.14748, 14749 & 14750, registered on 01.12.2015 on the file of the 2nd respondent herein.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.S.Rajeswaran,
Special Government Pleader

O R D E R

The petitioner would state that he has purchased a land admeasuring to an extent of 21.52 cents in Survey No.32/4 situate at No.35, Kanathur Reddy Kupam Village, Chengalpattu Taluk, Kancheepuram District from one M.Rajan for valuable consideration and the same was registered on 01.12.2015 vide document No.14748 and he has purchased the other properties through documents Nos.14749 and 14750. He further submits that though the petitioner has paid the necessary stamp duty at the time of registering the said documents, the second respondent has not returned the documents, for the reason that the said documents have been forwarded to the first respondent for initiating proceedings by following Section 47-A of Indian Stamp Act, 1899. Therefore, the petitioner has approached the 1st

respondent and also made a request to return the documents registered on the file of the 2nd respondent. Since the 1st respondent has not considered the request of the petitioner, he has approached the IG of Registration at Chennai through his representation dated 18.03.2016 and the said representation has been forwarded to the concerned authority for want of appropriate action. As a consequence, the first respondent issued a Form I notice dated 24.03.2016 to the petitioner, in which a sum of Rs.3,700/- per sqft has been fixed in respect of the properties mentioned in the document Nos.14748, 14749 and 14750. The petitioner would further submit that at the time of registering the documents, the property value is Rs.2,100/- per sq. ft., and accordingly, he has paid the necessary stamp duty and the same was accepted by the 2nd respondent and registered the said documents. Thereafter, the petitioner has approached the first respondent and gave his explanation to the Form I notice dated 24.03.2016. However, the first respondent, without accepting the petitioner's explanation, has issued Form II notice dated 04.07.2016, informing that on the basis of field inspection and other material documents, they have fixed Rs.3,700/- per sq.ft. and thereby, directed the petitioner to pay the differential stamp duty in respect of document Nos.14748, 14749 and 14750.

2. The petitioner would further submit that as per the Indian Stamp Act, 1899, it is the duty of the respondents to give prior notice to the owner of the property before conducting spot inspection to ascertain the value. The grievance expressed by the petitioner is that without issuing any prior notice, the respondents have conducted spot inspection and ascertained the value and issued the Form I and Form II notices, directing the petitioner to pay the additional stamp duty. The petitioner would further state that when the petitioner approached the 2nd respondent with proper documents, he had reduced 16% of the difference amount and instead of passing final order in Section 47-A proceedings, the second respondent issued the Treasury Chalan and insisted the petitioner to pay the differential stamp value. Therefore, the petitioner came forward to file this writ petition.

3. Heard the submission of Mr.S.Rajeswaran, learned Special Government Pleader, appearing for the respondents.

4. This Court, in the light of the above facts and circumstances, directs the 1st respondent to pass final order in Section 47A proceedings initiated against the document Nos.14748, 14749 & 14750, registered on the file of the second respondent on 01.12.2015, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsm

To

1. The District Revenue Officer (Stamps)
Collectorate,
V Floor, M.Singaravelan Maligai,
32, Rajaji Salai, Chennai - 600 001.
2. The Sub Registrar,
Thiruporur Sub Registrar Office,
Thiruporur.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.567
+1cc to the Government Pleader, S.R.No.214

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CNR(CO)
CA(07/02/2017)



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