



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2017

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

W.P. (MD) No.13285 of 2017

and

W.M.P. (MD) Nos.10347 and 10348 of 2017

K. Shantha

...Petitioner

-Vs-

1. The Special Deputy Collector (Stamps),
District Collectorat Campus,
Tiruchirapalli.

2. The Sub Registrar,
Manachanallur S.R.O. Office,
Manachanallur,
Tiruchirapalli District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings in P.M.T.P. No.1942 of 2016 dated 30.06.2017 and quash the same and direct the respondent to conduct fresh enquiry after giving an opportunity to the petitioner by considering the objections.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.A.Muthu Karuppan
Additional Government Pleader

ORDER

The petitioner has filed this writ petition challenging the order of the first respondent passed in proceedings in P.M.T.P. No.1942 of 2016 dated 30.06.2017 and for a direction to conduct fresh enquiry after providing an opportunity to the petitioner.

2. By consent of both sides, this writ petition is taken up for final disposal.

3. Heard Mr.A.Rahul, learned counsel for the petitioner and Mr.A.Muthu Karuppan, learned Additional Government Pleader for the respondents.

4. The case of the petitioner is that she purchased agricultural land in S.No.252/2, to an extent of 1.72 cents in Tirupinjeeli South Village, Manachanallur Taluk, through a registered sale deed, dated 24.12.2013. At the time of registration, she paid necessary stamp duty, however, by the impugned order, the first respondent directed the petitioner to pay deficit amount of Rs.60,690/-.



5. The order impugned in this writ petition is challenged mainly on the ground that it was passed in violation of the principles of the natural justice.

6. The learned counsel for the petitioner would submit that the first respondent issued a notice in Form No.2, dated 31.05.2017 fixing date of enquiry on 25.06.2017. The petitioner through a letter dated 19.06.2017 requested the first respondent to conduct enquiry after 05.07.2017 on the ground of her son's marriage on 02.07.2017, but, without considering the request and without providing an opportunity to the petitioner, the order was passed on 30.06.2017.

7. The learned Additional Government Pleader would submit that the order is an appealable and therefore the writ petition cannot be entertained.

8. It is seen that by a letter dated 19.06.2017, the petitioner requested the respondent to conduct enquiry after 05.07.2017. But, in the impugned order, the first respondent has stated that after receipt of the notice, the petitioner has not raised any objection. Further, indisputably the impugned order is passed without affording opportunity to the petitioner.

9. In the light of the above fact, The order of the first respondent in P.M.T.P. No.1942 of 2016 dated 30.06.2017, is set aside and the case is remanded back to the first respondent to pass appropriate orders afresh on merits and in accordance with law after providing opportunity to the petitioner.

10. In the result, this writ petition is allowed. No costs. The matter is remanded back to the first respondent. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

1.The Special Deputy Collector(Stamps),
District Collectorate Campus,
Tiruchirapalli.

2.The Sub Registrar,
Manachanallur S.R.O. Office,
Manachanallur,Tiruchirapalli District.

+1cc to Mr.A.RAHUL,Advocate,SR.76351

+1cc to M/S.Special Government Pleader,SR. 76857

W.P. (MD) No.13285 of 2017
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