

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 06.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN**W.A. (MD) No.975 of 2013**

and

M.P. (MD) No.2 of 2013

Sanjaikumar

... Appellant/Petitioner

-vs-

The Special Deputy Collector,
Stamps,
O/o. the Special Deputy
Collector for stamps,
Tirunelveli - 9.

... Respondent/Respondent

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 02.11.2012 in W.P.(MD).No.13980 of 2012, on the file of this Court.

Prayer in WP(MD) . 13980/ 2012:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari , in the nature of writ calling for records in connection with the proceedings in முசுனல் 1103/2008 of the Respondent dated 27.09.2012 and quash the same and pass such further or other orders.

For Appellant :Mr.E.Marees Kumar
for Mr.A.Arumugam

For Respondent :Mr.V.R.Shanmuganathan
Special Government Pleader

J U D G M E N T

[Judgment of the Court by **T.S.SIVAGNANAM, J.**]

Heard Mr.E.Marees Kumar, learned counsel appearing for Mr.A.Arumugam, learned counsel for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who accepts notice on behalf of the respondent.



2. This writ appeal is directed against the order, dated 02.11.2012 made in W.P.(MD).No.13980 of 2012, which was filed by the appellant, challenging the order passed by the respondent dated 27.09.2012, fixing value of the property and calling upon him to pay the stamp duty of Rs.68,816/- along with other charges for release of the document in question. The writ petition was dismissed on the ground that the appellant is having alternative appeal remedy.

3. Considering the facts and circumstances of the case, if the appellant is aggrieved by the order passed by the respondent, then he is at liberty to approach the appellate authority concerned. On the other hand, if the appellant is willing to remit the deficit stamp duty and other charges, he is granted liberty to approach the Sub-Registrar concerned and remit the amount and on such remittance, the document in question shall be registered and released without any further delay. In the event the appellant seeks to prefer appeal as against the order, dated 27.09.2012, passed by the respondent, he is granted fifteen days time from the date of receipt of a copy of this order to file appeal before the appellate authority and if such an appeal is filed within the time stipulated, the same shall not be rejected on the ground of limitation.

4. With the above observations, this writ appeal is disposed of. No costs. consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

The Special Deputy Collector,
Stamps,
O/o. the Special Deputy
Collector for stamps,
Tirunelveli - 9.

+1cc to M/S. A.ARUMUGAM, Advocate, SR.No.58772.
+1cc to Special Government Pleader, SR.No.59241.

W.A. (MD) No.975 of 2013
and

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