

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.21763 of 2003

&

WP.MP.No.2297 of 2007

M/s. Prix Trade and Agencies Pvt.Ltd.,
Rep.by its Power of Attorney Holder
Mr.Pavan Chawdery
218, Lingi Chetty Street
Chennai 600 001. Petitioner

Vs.

1. The Inspector General of Registration
120, Santhome High Road,
Chennai 600 028.
2. The District Revenue Officer (Stamps)
O/o. The District collector
Singaravelar maligai
Fifth Floor No.32, Rajaji Salai,
Chennai 600 001.
3. The Joint Sub Registrar,
Virugambakkam Registrar Office,
Virugambakkam, Chennai 600 009. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 3rd respondent dated 09.01.2003 and quash the same and direct the respondents 2 and 3 to return the documents bearing P.Nos.2/2002 to P 12/2002 admitted and registered as documents Nos.373 to 383 of 2002 on the file of the 3rd respondent without claim for any additional stamp duty.

For Petitioner : Mr.B.Sudarshan for Mr.D.Balaraman
For Respondents : Mr.T.M.Pappiah,
Special Government Pleader

O R D E R

This writ petition has been filed challenging the order dated 09.01.2003 passed by the first respondent and to direct the 2nd and 3rd respondents to return the documents bearing P.Nos.2/2002 to P 12/2002 admitted and registered as documents Nos.373 to 383 of 2002 on the file of the 3rd respondent, without claiming any additional stamp duty. The impugned order reads as follows:-

"As per your letter dated 06.12.2003 the related P.No.2/2002 and 12/2002 12 pending documents admitted and registered vide Document Nos.373 to 383 of 2002. All the 12 documents referred and sand to the Special Deputy Collector of Stamps, Collectorate Office, 1st Line Beach, Chennai - 600 001 on dated on dated 12.04.2002 for further proceedings. At present the original documents are pending with the Special Deputy Collector, Chennai and not in this Office."

2. When the matter was taken up during the earlier hearing, learned Special Government Pleader appearing for the respondents submitted that after the filing of this writ petition, the second respondent by order dated 07.11.2008 has directed the petitioner to pay deficit stamp duty and proof of postal despatch for the same has also been produced. However, on instruction, the learned counsel for the petitioner states that the petitioner has not received the same. In that factual backdrop, the learned counsel for the petitioner has sought the permission of this Court to withdraw the writ petition with liberty to challenge the aforesaid order dated 07.11.2008 passed by the second respondent in appropriate proceedings before the competent authority and he has also made an endorsement, which is reads as follows:-

"The 2nd respondent order was not received by the petitioner. Petitioner came to knowledge of the said order 31.10.2008 only in February 23.02.2018, when during the course of final augments the copy of the said order was served by the Government Pleader. In the said circumstances this writ may be disposed with a liberty to the petitioner to challenge the said order of 2nd respondent by excluding time of pendency before this Hon'ble Court. Hence this writ may be accordingly ordered."

3. Recording the same, this writ petition is dismissed as withdrawn granting liberty to the petitioner as aforesaid. It is made clear that the period of pendency of the writ petition before this Court shall be excluded while computing the period of limitation for the proceedings that may be initiated by the Petitioner against the aforesaid order dated 07.11.2008 passed by the second respondent. Consequently, connected Miscellaneous Petition is also closed. No costs.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration
120, Santhome High Road,
Chennai 600 028.
2. The District Revenue Officer (Stamps)
O/o. The District collector
Singaravelar maligai
Fifth Floor No.32, Rajaji Salai,
Chennai 600 001.
3. The Joint Sub Registrar,
Virugambakkam Registrar Office,
Virugambakkam, Chennai 600 009.

+lcc to Mr.D.BALARAMAN, Advocate, S.R.No.44692
+lcc to the Government Pleader, S.R.No.45316

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TR(03/08/2018)

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