

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 09.07.2018

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.12774 of 2003

and

WMP No.14381 of 2018

K. Manickam

... Petitioner

Vs.

1. The District Collector,
Namakkal District, Namakkal.

2. The District Registrar, Namakkal.

3. The Tahsildar,
Tiruchengode,
Namakkal District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus calling for the records relating to the order made in No.6517/B1/98 dt. 10.06.1999 passed by the 1st Respondent and the consequential order made in SR.12772/2002 (A5) dt. 18.03.2003 issued in Form No.1 under Sec.8 of the distraint order issued by the 3rd Respondent in respect of the Petitioner's properties covered Document No.75 of 97 at Komarapalayam Agraharam Village Namakkal District and quash the same and forbear the Respondents from demanding any deficit stamp duty from the petitioner.
(Prayer amended as per order of this Court dated 06.06.2011 in WPMP No.276 of 2011)

For Petitioner : Mr.G. Ethirajulu

For Respondent : Mr.T.M. Pappiah

Spl.Government Pleader

ORDER

The Petitioner has filed the Writ Petition seeking to issue a Writ of Certiorari to call for the records on the file of the Third Respondent herein in his proceedings S.R..12772/2002 (A5) dated 18.03.2003 issued in Form No.1 under Section 8 of the distraint order in respect of the petitioner's properties covered under Document No.75 of 97 at Komarapalayam Agraharam Village, Namakkal District and quash the same.

2. It is represented by Mr.T.M. Pappiah, learned Special Government Pleader, appearing for the Respondents, on instructions, that the Respondents have decided to rescind all the earlier orders passed against the Petitioner including the impugned Orders in proceedings Nos.S.R.12772/2002 (A5) dated 10.06.1999 and consequential order dated 18.03.2003 and he has produced a letter in Na.Ka.No.2963/A1/2015 dated 09.07.2018 from the Respondents to that effect.

3. Recording the same, the Writ Petition is disposed of. It is made clear that the Respondents shall proceed and decide the matter afresh taking into consideration the reply dated 01.07.1998 submitted by the Petitioner in response to the show cause notice dated 12.06.1998 issued by the Second Respondent. The Petitioner is also at liberty to submit additional representation on or before 31.07.2018 to the aforesaid show cause notice dated 12.06.1998. The Respondents shall fix a date for enquiry after 31.07.2018 and after hearing the Petitioner and other parties concerned, shall consider the submissions of the Petitioner in the representation and pass reasoned orders on merits in accordance with law and communicate the decision to the Petitioner on or before 30.09.2018. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True copy//

Sub Assistant Registrar

To

1. The District Collector,
Namakkal District,
Namakkal.

2. The District Registrar,
Namakkal.

3. The Tahsildar,
Tiruchengode,
Namakkal District

+1cc to Mr.G.Ethirajulu, Advocate SR.No.44422

W.P.No.12774 of 2003

BR(CO)
GN(11/07/2018)