IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.D.AUDIKESAVALU

W.P. No. 24043 of 2003

V.Kalaivani ... Petitioner

Vs.

1.State of Tamil Nadu Rep by
The Secretary to Government
Revenue Department
Secretariat, Fort St. George
Chennai - 600 009.

2.The Inspector General of Registration
(Tamil Nadu)
Santhome, Chennai - 600 004.

3.The District Revenue Officer (Stamps)
Collectorate, Rajaji Salai
Chennai - 600 001.

4.The District Registrar
Virugambakkam, Chennai. ..Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records comprised in the proceedings of the third respondent in Na.Ka.Si.Pa.No.269/03 dated 22.7.2003 and quash the same and consequently direct the respondents to return the documents to the petitioner bearing No.2201/2003 dated 27.03.2003 pertaining to the property situated Vembuliamman Koil Street, Virugambakkam, Chennai after following the formalities as prescribed under the Indian Registration Act.

For Petitioner : Ms.Rekha for Mr.Satish Parasaran
For Respondents : Mr.T.M.Pappiah, Special Government Pleader

ORDER

The Petitioner had presented a document for registration under the provisions of the Registration Act, 1908, before the Fourth Respondent and the same was registered as Document No.2201 of 2003. However, the Third Respondent was of the view that the stamp duty paid on that document did not show the true market value of the property with corresponding stamp duty and hence, proceedings under Section 47-A of the Indian Stamp Act, 1899 was initiated against the Petitioner, which culminated in the order dated 22.07.2003 issued under Rule 7 of the Tamil Nadu Stamp (Prevention of Under Valuation of Instruments) Rules, 1968, (hereinafter referred to as 'The Rules' for short) requiring the Petitioner to pay the sum of Rs.48,592/- towards deficit stamp duty. Aggrieved thereby the Petitioner had filed this Writ Petition.

2.The main contention of the Petitioner in the Writ Petition is that the requisite notice under Form-I as per Rule 4(1) of the said Rules, had not been served and the authorities proceeded to straight away issue Form-II under Rule 6 of the said Rules. In order to factually ascertain the correctness of that submission made on behalf of the Petitioner, this Court required the Respondents to produce the relevant files to show the proof on having issued Form-I. However, at that stage a memo dated 02.08.2018 has been filed by the Fourth Respondent stating that it has been decided to withdraw the impugned order dated 22.07.2003 as well as Form II dated 13.06.2003 and the subsequent Form I dated 07.07.2004, permission of this Court has been sought to carry out the entire exercise from the stage of issuing Form I afresh in accordance with law.

3.In view of the aforesaid decision taken by the Respondents, the withdrawal of the impugned order is recorded and permission is granted to the Respondents to proceed afresh in the matter in accordance with law.

4.The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

maya

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
   Revenue Department
   Secretariat, Fort St. George
   Chennai - 600 009.

2. The Inspector General of Registration
   (Tamil Nadu)
   Santhome, Chennai - 600 004.

3. The District Revenue Officer (Stamps)
   Collectorate, Rajaji Salai
   Chennai - 600 001.

4. The District Registrar
   Virugambakkam, Chennai.

+1 cc to government pleader SR.NO. 54105

W.P. No. 24043 of 2003

spd(Co)
ASK(28/08/2018)