

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.39340 of 2003

The Hindu Matches (P) Ltd.
Rep by one of its Directors
N.Robinson

5-2-15-C, Sattur Road, Sivakasi. ... Petitioner

Vs.

1.The Inspector General of Registration
120, Santhome High Road
Chennai - 600 028.

2.The Special Deputy Collector (Stamps)
Virudhunagar District
Virudhunagar.

3.The Sub-Registrar
Srivilliputhur
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the order bearing No.46858/N3/2002 dated 18.11.2003 issued by the first respondent herein, confirming the order bearing No.529/02 dated 31.3.2003 issued by the second respondent herein and quash the same.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.T.M.Pappiah, Special Govt. Pleader

O R D E R

The writ petition challenges the order bearing No.46858/N3/2002 dated 18.11.2003 issued by the first respondent /Inspector General of Registration under sub-section (5) of Section 47-A of the Indian Stamp Act, 1899 (as amended in the State of Tamil Nadu).

2.Mr.T.M.Pappiah, learned Special Government Pleader appearing on behalf of the respondents submits that sub-section

(10) of Section 47-A of the Indian Stamp Act (as amended in the State of Tamil Nadu) provides that any person aggrieved by an order of the authority prescribed under sub-section (5) may within such time as may be prescribed by rules made under that Act appeal to the High Court, and that Rule 9 (substituted by G.O.Ms.No.35, CT, dated 09.03.2001) prescribes the manner of preferring such appeal mentioned in sub-section (10) of Section 47-A of the Indian Stamp Act, 1899 and that sub-rule (5) (a) of Rule 9 of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968 provides that such appeal has to be filed within two weeks from the such order passed under sub-section (5) of Section 47-A of the Indian Stamp Act.

3. In the light of the availability of the aforesaid statutory provisions for filing an appeal, which is an effective alternate remedy this writ petition cannot be continued to be entertained.

4. It is submitted by Mr.R.Ramesh, the learned counsel appearing for the petitioner that the petitioner was under the mistaken impression that the requisite Rules had not been framed at the time of filing of this writ petition. Inasmuch as the aforesaid rules had already come into effect from 09.03.2001 the petitioner ought to have availed the statutory remedy instead of filing the instant writ petition.

5. Hence, this court is not expressing any view on the correctness or otherwise of the impugned order and it is left open to the Petitioner to avail the statutory remedy to assail the impugned order and to seek exclusion of the period of pendency of this writ petition while computing the limitation for the same.

6. It further is brought to the notice of this court by Mr.T.M.Pappiah, learned Special Government Pleader that the petitioner has already been intimated by a letter dated 23.03.2007 that if he pays the remaining sum of Rs.8,042/- with interest due in terms of the statutory provisions, the petitioner is entitled to get return of the document. The said statement is recorded.

7. Accordingly, the Writ Petition is disposed of, with the aforesaid observation. No costs.

Sd/-

Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

maya

To

1.The Inspector General of Registration
120, Santhome High Road
Chennai - 600 028.

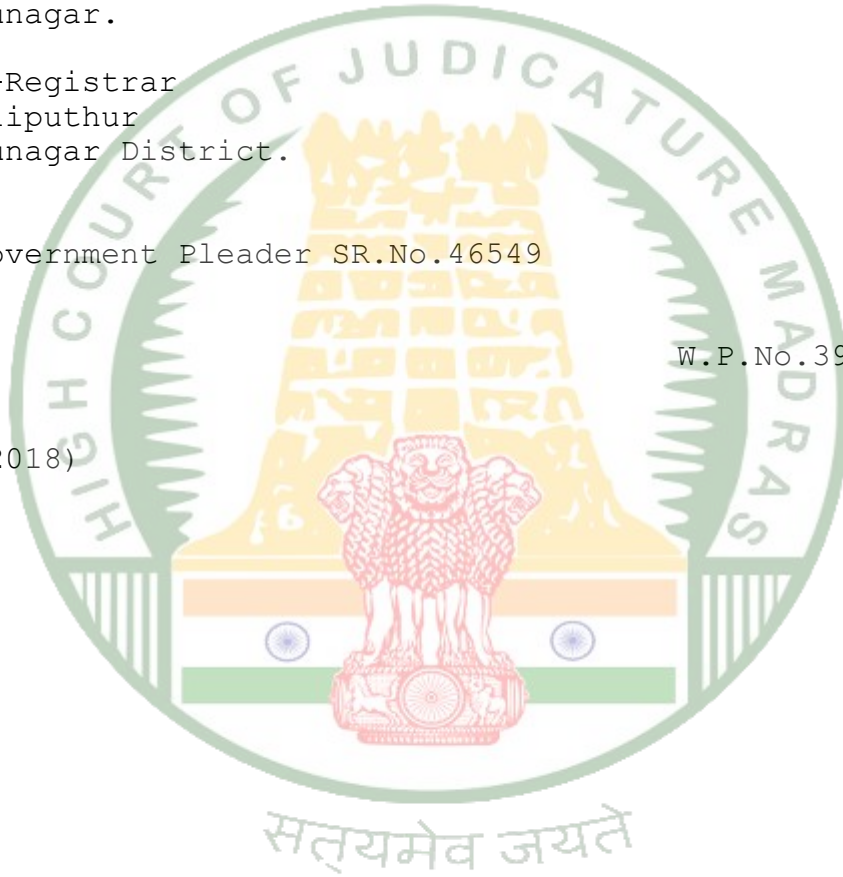
2.The Special Deputy Collector (Stamps)
Virudhunagar District
Virudhunagar.

3.The Sub-Registrar
Srivilliputhur
Virudhunagar District.

+1cc to Government Pleader SR.No.46549

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AK(CO)
GN(01/08/2018)



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