



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.19215 of 2018

and

W.M.P. (MD) No.17048 of 2018

Kannaiyan @ Subramanian

... Petitioner

vs.

1.The Special Deputy Collector(Stamps),
District Collector's office complex,
Thanjavur, Thanjavur District.

2.The Sub-Registrar,
No.1, Pattukottai Sub-Registrar's Office,
Pattukottai, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records from the first respondent in respect of the proceedings in Serial No:74/2018/47A(1) of the Indian Stamp Act 1899, dated 12.07.2018 and quash the same.

For Petitioner : Mr.V.Chandrasekar

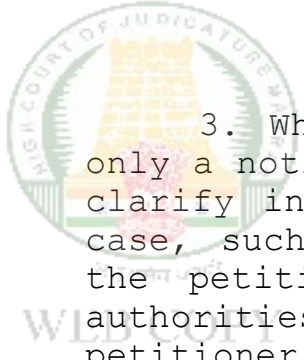
For Respondents : Mr.M.Murugan

Government Advocate

O R D E R

According to the petitioner, he has filed a suit for specific performance in O.S.No.129 of 2014 before the District Munsif, Pattukottai. The matter was eventually referred to Lok Adalat and on 09.04.2016, an award was passed in the proceedings before the Lok Adalat. In terms of compromise, a sale deed was executed on behalf of the defendant in the suit and the document was presented by the petitioner for registration before the second respondent. The second respondent has also registered the document as Document No.128 of 2018. However, the document was referred to for an enquiry under Section 47(1) of the Indian Stamp Act for determination of market value.

2. According to the learned Counsel appearing for the petitioner, such notice itself is without jurisdiction and the same cannot be done under the provisions of the Indian Stamp Act.



3. What is to be seen in the writ petition is that it was only a notice issued to the petitioner directing him to appear and clarify in regard to the determination of the market value. In case, such notice is without jurisdiction, it is always open to the petitioner to point out the said legal position to the authorities concerned and certainly it is not open to the petitioner to rush to this Court at this stage and invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, leaving the issue open to the petitioner to raise all his objections before the authority concerned, the Writ Petition stands dismissed as being not maintainable. No costs. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar(CS I)

/True Copy/

Sub Assistant Registrar(CS III)

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To

1.The Special Deputy Collector(Stamps),
District Collector's office complex,
Thanjavur, Thanjavur District.

2.The Sub-Registrar,
No.1, Pattukottai Sub-Registrar's Office,
Pattukottai, Thanjavur District.

1CC TO MR. V. CHANDRASEKAR, ADVOCATE SR 82682
1CC TO THE SPL GOVT PLEADER SR 82817

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