

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.16083 of 2012

Syed Shabeer Hussain

.. Petitioner

Vs

1.The Special Deputy Collector (Stamps),
Cuddalore.

2.The Sub Registrar,
Manalurpet,
Tirukoilur Taluk.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents 1 and 2 to release the sale deed dated 05.05.2008 bearing Document No.1645/2008 on the file of the Sub Registrar Office, Manalurpet, forthwith to the petitioner.

For petitioner

: Mr.N.Suresh

For Respondents

: Mr.P.P.Purushothaman

ORDER

The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents 1 and 2 to release the sale deed dated 05.05.2008 bearing Document No.1645/2008 on the file of the Sub Registrar Office, Manalurpet.

2. When the matter is taken up, it is submitted by the learned Government Advocate for the respondents that the petitioner had purchased a land having an extent of 200 sq.mtrs. situated at R.S.No.67/9, Manalurpet Village, Tirukoilur Taluk, Villupuram District, through a registered Sale Deed dated 05.05.2008. After registration of the document, the Sub Registrar, Manalurpet, referred the document to the first respondent/Special Deputy Collector (Stamps), Cuddalore, for determination of the proper market value of the property. Thereafter, the Special Deputy Collector (Stamps), after receiving the above said document, sent a notice to the petitioner under Form-I dated 30.09.2008, however, since the petitioner has not filed any objection, one more notice was sent under Form-II on 10.12.2008 and thereafter, a final notice was also sent on 11.05.2010. However, for all the above said notices, the petitioner has neither

appeared for the enquiry not filed any objection. Therefore, the first respondent, vide proceedings dated 23.05.2012, fixed the market value as Rs.7,60,000/- based on the report given by the Sub-Registrar. Although the same was communicated to the petitioner, he has not questioned the same till date.

3. Learned counsel for the petitioner submitted that neither Form-I notice nor Form-II notice was served to the petitioner. Even the order dated 23.05.2012 of the first respondent fixing the market value of the property in question also has not been communicated to him. When this Court posed a question whether the same was served or not, learned Government Advocate is unable to prove the same.

4. As the first respondent had already passed an order dated 23.05.2012 directing the petitioner to pay the balance stamp duty to the tune of Rs.60,201/-, nothing survives in the prayer made in the writ petition seeking to release the Sale Deed dated 05.05.2008. Accordingly, the writ petition is closed. The respondents are directed to send a copy of the order dated 23.05.2012 to the address of the petitioner as mentioned in this writ petition, within a period of one

week from the date of receipt of a copy of this order, and thereafter, on receipt of the same, the petitioner is at liberty to challenge the same, if he is so advised, within the period of limitation.

27.09.2019

rkm

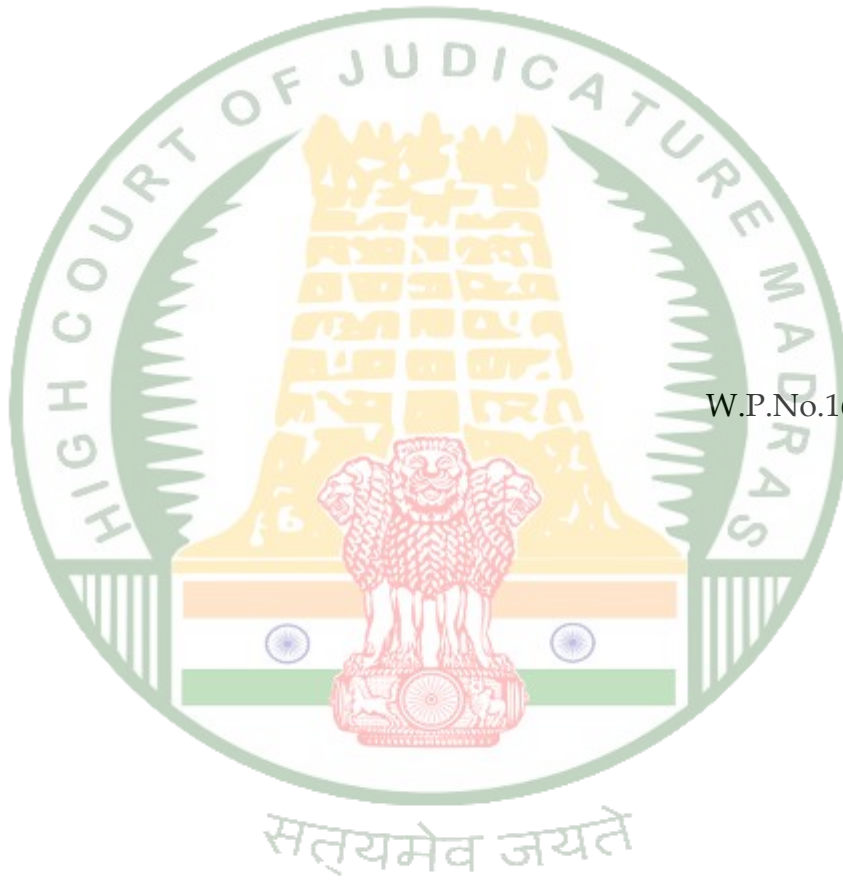
To

- 1.The Special Deputy Collector (Stamps),
Cuddalore.
- 2.The Sub Registrar,
Manalurpet,
Tirukoilur Taluk.



WEB COPY

T.RAJA, J.
rkm



W.P.No.16083 of 2012

24.09.2019

WEB COPY