

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM

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

W.P. No. 20824 of 2019
and

W.M.P. Nos. 20023 and 20025 of 2019

M/s. Kesar Textile Park India Pvt. Ltd.
Rep. by its Director
Mr. Rameshchandra Nandlal Bhattad
Behind Indian Coffee House
Gokulpeth, Nagpur - 440 010. ... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by Secretary to Government
Commercial Taxes and Registration Department
Fort St. George, Secretariat
Chennai.

2.The District Revenue Officer (Stamps)
The Office of the District Collector
Coimbatore - 18.

3.The District Registrar
Thiruppur District.

4.The Sub Registrar
Moolanur, Tiruppur District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to proceedings in Mu. Pa. No.319/D/2011 dated 27.08.2014 of the Second Respondent and to quash the same.

For Petitioner : Mr. S.A. Mohamed Mubarak

For Respondents : Mr. T.M. Pappiah
Special Government Pleader

O R D E R

Mr. T.M. Pappiah, Learned Special Government Pleader takes notice for the Respondents.

2. Heard Mr. S.A. Mohamed Mubarak, Learned Counsel for the Petitioner and Mr. T.M. Pappiah, Learned Special Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The Writ Petition has been filed challenging the order Mu. Pa. No. 319/-D/-2011 dated 27.08.2014 passed by the Second Respondent.

4. Learned Special Government Pleader appearing for the respondents submits that the Petitioner has got an effective alternative remedy under Section 47-A(5) of the Indian Stamp Act, 1899, to prefer appeal before the Inspector General of Registration, which if preferred now, would have to be supported by an application to condone the delay in filing the same.

5. It is submitted by the Learned Counsel for the Petitioner that the impugned order had not been communicated to the Petitioner and the Petitioner had obtained a copy of that order by making an application for the same under the Right to Information Act, 2005.

6. In view of the aforesaid submissions made, the Writ Petition is disposed leaving it open to the Petitioner to file an appeal under Section 47-A (5) of the Indian Stamp Act, 1899, before the Inspector General of Registration along with application to condone delay. It shall be incumbent upon the Appellate Authority to consider the application to condone the delay with reference to the official records as to whether the impugned order has been served on the Petitioner and consider the explanation submitted by the Petitioner for condoning the delay in filing that appeal and depending upon the outcome of that application, the course of action thereafter shall be determined.

7. The Writ Petition is disposed with the aforesaid observations. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

may a

To

- 1.The Secretary to Government,
Commercial Taxes and Registration Department,
Fort St. George, Secretariat,
Chennai.
- 2.The District Revenue Officer (Stamps)
The Office of the District Collector,
Coimbatore - 18.
- 3.The District Registrar,
Thiruppur District.
- 4.The Sub Registrar,
Moolanur,
Tiruppur District.

Copy to

The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai - 600 028.

+1cc to M/s. Mohamed Mubarak, Advocate SR.61453

RK(CO)
CB(09/09/2019

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