

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.2173 of 2017
and
W.M.P.No.2151 of 2017

E.Ayyappan

...Petitioner

vs.

1. The Chief Controlling Revenue Authority,
The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai - 600 028.

2. The Sub Registrar,
Cheyyur, Kanchipuram District.

3. The District Revenue Officer,
(Stamps)
5th Floor, Singaravelar Palace,
32, Rajaji Road,
Chennai - 600 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records pending on the file of the third respondent in pursuant to the notice bearing Ta.Ka.No.61/16 dated 09.05.2016 and quash the same and direct the respondents to release the document No.653/2016 on the file of the second respondent.

For Petitioner : Mr.G.Baskar

For Respondent : Mr.P.P.Purushothaman
Government Advocate

O R D E R

This Writ Petition is filed challenging the proceedings of the third respondent dated 09.05.2016, which is nothing, but Form 1 notice issued under Section 47 A of the Indian Stamps Act.

2. Heard both sides.

3. Though the petitioner has raised very many grounds on the merits of the matter, this Court is not inclined to entertain and interfere with the impugned proceedings only on the reason that the same is only a notice and thus, the petitioner is entitled to give his objection to the proposal made for collecting the differential stamp duty.

4. All the contentions raised in this writ petition can be raised before the third respondent by way of reply/objection. Without doing so, the petitioner has approached this Court and filed the present writ petition, which according to my view is not maintainable, since no final order is passed under Section 47 A of the Indian Stamps Act. Therefore, this Writ Petition is disposed of without expressing any view on the merits of the matter, only by granting liberty to the petitioner to file his objection within a period of two weeks from the date of receipt of a copy of this order. On receipt of such objection, the third respondent shall pass final orders after giving due opportunity of hearing to the petitioner and also making local inspection. Such exercise shall be done by the third respondent within a period of twelve weeks thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sni/mk

To

1. The Chief Controlling Revenue Authority,
The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai - 600 028.
2. The Sub Registrar,
Cheyyur, Kanchipuram District.

3. The District Revenue Officer,
(Stamps)
5th Floor, Singaravelar Palace,
32, Rajaji Road,
Chennai - 600 001.

+1cc to M/S.G.Baskar, Advocate Sr.533
+1cc to the Government Pleader Sr.1410

W.P.No.2173 of 2017

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srg 08/02/2019