

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 18.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR**W.P. (MD) No.13658 of 2019**

R.Sumathi

... Petitioner

vs.

1.The Special Deputy Collector(Stamps)
The District Collectorate,
Thanjavur, Thanjavur District.

2.The District Registrar, (Registration)
Thanjavur District, Thanjavur.

3.The Sub Registrar,
Sub-Registrar Office,
Thiruvidaimaruthur,
Thanjavur District.

... Respondents

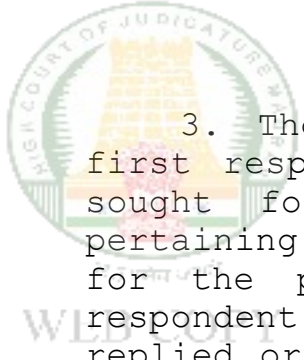
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the 1st respondent from collecting Additional Stamp duty amount of Rs.1,58,080/- against the guide line value in document No.2077 of 2014 and further directed the 3rd respondent to remove the entry from encumbrance certificate with regard to sale deed in document No.2077 of 2014 based on the petitioner's representation dated 23.03.2017.

For Petitioner : Mr.G.Gomathi Sankar
For Respondents : Mr.M.Murugan,
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus to forbear the 1st respondent from collecting Additional Stamp duty amount of Rs.1,58,080/- against the guide line value in document No.2077 of 2014 and further issue a direction to the 3rd respondent to remove the entry from encumbrance certificate with regard to sale deed in document No.2077 of 2014 based on the petitioner's representation dated 23.03.2017.

2. Heard Mr.G.Gomathi Sankar, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate appearing for the respondents.



3. Though the aforesaid prayer seeking forbearance of the first respondent from collecting additional stamp duty has been sought for by the petitioner with regard to the document pertaining to the petitioner's land, the learned counsel appearing for the petitioner submits that, in this regard, the first respondent has issued a notice on 23.11.2016 and the same has been replied or responded by the petitioner on 23.03.2017. Despite the same, since the first respondent has not passed any final order, the petitioner has approached this Court with the aforesaid prayer. Therefore, if the first respondent is directed to consider the reply given by the petitioner dated 23.03.2017 and decide the issue and if final order to that effect is directed to be passed within the time frame that may be stipulated by this Court, then, the petitioner would be satisfied.

4. The learned Government Advocate would submit that the petitioner's reply dated 23.03.2017, pursuant to the notice issued by the first respondent dated 23.11.2016 would be considered by the first respondent on merits and final order to that effect, with regard to the alleged deficit stamp duty, would be decided and an order to that effect would be passed within the time frame stipulated by this Court.

5. Considering the said submissions made by the learned counsel for both sides, this Court, with the consent of both sides, is inclined to dispose of the writ petition at the admission stage itself with the following direction:

"that the first respondent is directed to consider the reply given by the petitioner on 23.03.2017 to the notice issued by the first respondent dated 23.11.2016 and pass final orders there on, after deciding the issues placed therein on merits and in accordance with law within a period of six (06) weeks from the date of receipt of a copy of this order."

With this direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

das/sts

To

1.The Special Deputy Collector(Stamps)

<https://hcservices.hcscourt.gov.in/portal/collectorates>,
The District Collector's Office, Collectorate,

Thanjavur, Thanjavur District.



2.The District Registrar, (Registration)
Thanjavur District, Thanjavur.

3.The Sub Registrar,
Sub-Registrar Office,
Thiruvidaimaruthur,
Thanjavur District.

+1cc to Mr.G.Gomathi Sankar, Advocate in SR.69395
+1cc to the Special Government Pleader in SR.69802

Order made in
W.P. (MD) No.13658 of 2019

PBK(17.07.2019) 3P 6C