



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.09.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.19541 of 2019

and

W.M.P(MD)No.15999 of 2019

Subbammal

... Petitioner

/Vs./

1.The Inspector General of Registration,
No.100, Santhome High Road, Mylapore,
Chennai - 600028.

2.The Special Deputy Collector (Stamps),
Collectorate Campus, Kokirakulam,
Tirunelveli.

3.The District Registrar,
Registrar Office,
Palayamkottai, Tirunelveli.

4.The Joint Sub Registrar - I,
Joint Sub Registrar office,
Palayamkottai,
Tirunelveli District.

... Respondents

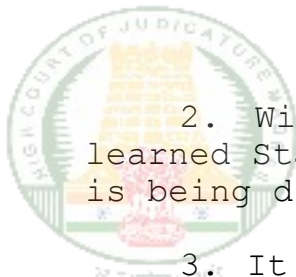
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the 1st respondent to dispose of the appeal filed by the petitioner against proceedings of the 2nd respondent in Mu Sa X 1/723/12 dated 04.04.2016 which was signed on 25.02.2019 within a timeframe as stipulated by this Court.

For Petitioner : Mr.P.Jeyasankar for
M/s.Sarvagan Prabhu

For Respondents : Mr.V.Anand
Government Advocate

ORDER

Mr.P.Jeyasankar, counsel on record for writ petitioner and Mr.V.Anand, learned Government Advocate who accepts notice on behalf of all the four respondents are before this Court.



2. With consent of learned counsel for writ petitioner and learned State counsel, main writ petition is taken up, heard out and is being disposed of.

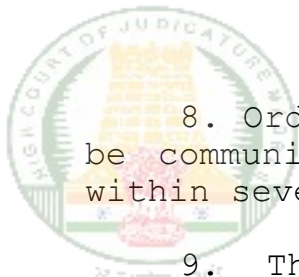
3. It is the case of the writ petitioner that she presented a document bearing Document No.1470 of 2012 with the 4th respondent (jurisdictional Sub Registrar) for registration; that the said document was held to be undervalued; that the matter travelled to the second respondent; that the second respondent passed an order signed on 25.02.2019 bearing Reference No.Mu.Sa.X1/723/12 (to be noted, the date is blank, month and year have been given as 04 and 2016, but the signature bears the date 25.02.2019); that vide this order, the second respondent determined a higher value for the property covered under the document presented for registration; that vide the order dated 25.02.2019, the second respondent called upon the writ petitioner *inter alia* to pay deficit stamp duty; that the order signed on 25.02.2019 itself mentions that it is open to the writ petitioner to file an appeal to the first respondent, if she is aggrieved by the order; that the writ petitioner preferred an appeal to the first respondent on 27.03.2019; that 'the appeal' (hereinafter referred to as 'said Appeal' for the sake of brevity) is pending and that this has necessitated the filing of the instant writ petition with a prayer to Mandamus the first respondent to dispose of the said Appeal.

4. Learned State Counsel who has accepted notice on behalf of all the four respondents draws attention of this Court to proceedings dated 30.03.2019 bearing Reference No.Na.Ka.No.2212/Aa1/2018 sent by the Assistant Inspector General of Registration, Tirunelveli, to the third respondent, wherein and whereby the Assistant Inspector General of Registration, Tirunelveli, has directed the third respondent to take necessary action regarding writ petitioner's said Appeal.

5. In the aforesaid backdrop, what emerges clearly is that the writ petitioner has preferred an appeal to the first respondent against order of second respondent (signed on 25.02.2019) pertaining to deficit stamp duty and that the appeal before the first respondent is pending.

6. The prayer of the writ petitioner is simple and innocuous. All that the writ petitioner prays for is a direction to first respondent to dispose of her appeal dated 27.03.2019 within a time frame.

7. In the light of the narrative thus far, this Court deems it appropriate to direct the first respondent to dispose of writ petitioner's said Appeal dated 27.03.2019 (page No.4 of the typed set of papers forming part of the case file) on its own merits and in accordance with law as expeditiously as possible, in any event within eight (8) weeks from the date of receipt of a copy of this



8. Order of the first respondent disposing of said Appeal shall be communicated to the writ petitioner under due acknowledgement within seven (7) working days from the date of the order.

9. Though obvious, considering the nature of the order disposing of the instant writ petition, it is made clear that all questions raised by writ petitioner are left open and this Court does not express any view or opinion on the merits of the matter.

10. Instant Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road, Mylapore,
Chennai - 600028.
- 2.The Special Deputy Collector (Stamps),
Collectorate Campus, Kokirakulam,
Tirunelveli.
- 3.The District Registrar,
Registrar Office, Palayamkottai, Tirunelveli.
- 4.The Joint Sub Registrar - I,
Joint Sub Registrar office,
Palayamkottai, Tirunelveli District.

+1 CC to M/s.GP (SR-86283[F] dated 12/09/2019)

Order made in
W.P(MD)No.19541 of 2019
Dated:10.09.2019

SM

MS/26.09.2019/3P.6C