

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2020

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 22557 of 2012

A.V.Logistics

Rep by Assistant Manager - Finance

V.Balasubramanian

No.25, 6<sup>th</sup> West Cross Street

Shenoy Nagar

Chennai - 600 030.

.. Petitioner

Vs.

1. The Inspector General of Registration  
Registration Department  
Santhome High Road  
Mylapore, Chennai - 600 004.

2. The District Revenue Officer (Stamps)  
Office of the District Collector  
VI Floor, Singaravelar Maligai  
No.32, Rajaji Salai  
Chennai - 600 001.

3. The District Registrar (South)  
Saidapet, Chennai - 600 015.

4. The Sub Registrar  
Tambaram  
Chennai - 600 045.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 1 to 4 to return the sale deed bearing Doc. No. 10499/2010 pending on the file of the fourth respondent to the petitioner firm after collecting the deficient stamp duty based on the guideline value register maintained by the fourth respondent as on 30.03.2010.

For Petitioner : Mr. N.Vijayakumar  
for M/s.P.C.Harikumar and Asso.

For Respondents : Mr. P.P.Purushothaman

O R D E R

Heard Mr. N.Vijayakumar for M/s. P.C.Harikumar and Associates, learned counsel for the petitioner and Mr. P.P.Purushothaman, learned counsel for the respondents.

2. The petitioner has filed this writ petition for a direction to the respondents 1 to 4 to return the sale deed bearing Doc. No.10499 of 2010 pending on the file of the fourth respondent to the petitioner firm after collecting deficient stamp duty, based on the guideline value register maintained by the fourth respondent as on 30.03.2012

3. The learned counsel appearing for the respondents, on instructions from the second respondent, submits that the second respondent has passed final orders on 09.07.2012 and produced a copy of the same. From the documents placed before this Court by the learned counsel for the respondents that after receipt of the Form I notice dated 03.01.2011, the petitioner has given a detailed objection on 07.01.2011 stating that as to how the demand for additional stamp duty is not sustainable in law. Though such detailed objection has been given the second respondent has passed an order purported to be a final order in a printed format, none of the grounds raised by the petitioner have been considered. Furthermore, from the papers placed before this Court by the learned counsel for the respondents it is not clear as to whether the petitioner has been communicated with the final order dated 09.07.2012. However, the final order dated 09.07.2012 being devoid of the reasons cannot be sustained in the law. Therefore, though the petitioner seeks for an issuance of writ of mandamus, this Court having found that the final order dated 09.07.2012 is unsustainable in law, exercised discretion and accordingly, quashes the order dated 09.07.2012.

4. In the result, the relief sought for in the writ petition is accordingly moulded and the order dated 09.07.2012 is quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to issue notice to the petitioner and afford an opportunity of personal hearing and consider the objections, that may be raised by the petitioner and pass a speaking order on merits and in accordance with law.

5. With the above direction, the writ petition is disposed of. The above direction be complied with by the second respondent within a period of three weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

may a

To

1. The Inspector General of Registration  
Registration Department  
Santhome High Road  
Mylapore, Chennai - 600 004.
2. The District Revenue Officer (Stamps)  
Office of the District Collector  
VI Floor, Singaravelar Maligai  
No.32, Rajaji Salai  
Chennai - 600 001.
3. The District Registrar (South)  
Saidapet, Chennai - 600 015.
4. The Sub Registrar  
Tambaram  
Chennai - 600 045.

+1cc to M/s.P.C.Harikumar & Associates, Advocate, S.R.No.19870.  
+1cc to the Government Pleader, S.R.No.20247.

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CP (CO)

VSI-2 (29.05.2020)