

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.32445 of 2019

KK Flats (P) Ltd.

Rep.by its Managing Director,
D.Muthukumar,
1k, No.6, Mandapam Cross Road,
Kilpauk, Chennai-10.

...Petitioner

Vs.

1.The Inspector General of Registration,
Chennai-28.

2.The Special Deputy Collector (Stamps)
Madurai.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to fix an early date for hearing the appeal filed by the petitioner and dispose of the same within the reasonable time frame that may be fixed by this Court.

For Petitioner : Mr.M.Nalla Thambi

For Respondents: Mr.M.Tamizharasan

Additional Government Pleader

O R D E R

This writ petition has been filed for the issue of a writ of mandamus, directing the 1st respondent to dispose of the appeal filed by the petitioner against the order passed by the 2nd respondent u/s 47A(1) of the Indian Stamp Ac.

2.The case of the petitioner is that they purchased a property in the year 2005. Since the document was undervalued, the petitioner was directed to pay the balance stamp duty which was fixed on the basis of the guideline value. The petitioner

preferred an appeal before the 1st respondent and the 1st respondent by an order dated 09.10.2006, confirmed the order of the 2nd respondent. Aggrieved by the same, the petitioner filed an appeal before this Court in CMA Nos.1551 to 1554 of 2010. These appeals were allowed by this Court by an order dated 06.07.2010.

3.The petitioner subsequently purchased the adjacent lands in the year 2013. The documents were again retained on the ground of undervaluation. The 2nd respondent passed an order on 16.05.2013 and directed the petitioner to pay the differential stamp duty for a sum of Rs.10,93,698/-. Aggrieved by the same, the petitioner filed an appeal before the 1st respondent on 02.08.2014, in the prescribed format. The grievance of the petitioner is that this appeal is yet to be heard and disposed of. Therefore, the petitioner has approached this Court for a direction to the 1st respondent to dispose of the appeal.

4.Heard Mr.M.Nalla Thambi, learned counsel appearing for the petitioner and Mr.M.Tamizharasan, learned Additional Government Pleader appearing on behalf of the respondents.

5.Taking into consideration the facts and circumstances of the case and the limited relief that has been sought for in this writ petition, there shall be a direction to the 1st respondent to dispose of the appeal filed by the petitioner on 02.08.2014, on its own merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 1st respondent along with the copy of the appeal filed on 02.08.2014 and a copy of this order.

This writ petition is disposed of with the above directions. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

// True Copy//

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Sub Assistant Registrar

kp

To

1.The Inspector General of Registration,
Chennai-28.

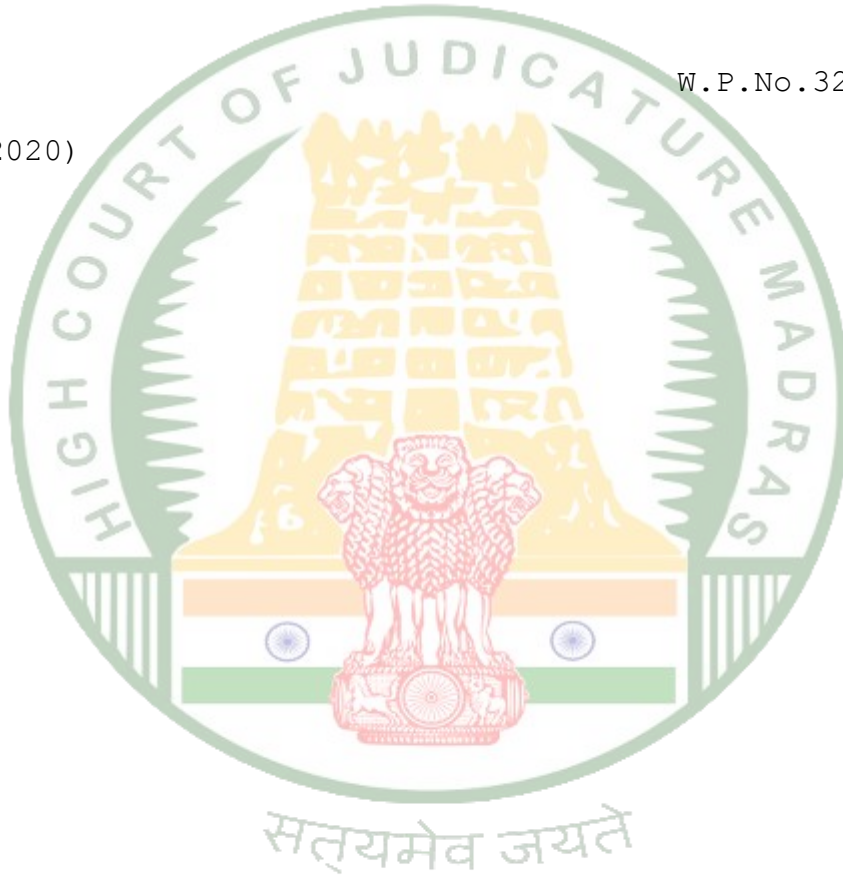
2.The Special Deputy Collector (Stamps)
Madurai.

+1cc to Government Pleader, SR 19746

+1cc to Mr. M. Nalla Thambi, Advocate, SR 19197

W.P.No.32445 of 2019

GS(19/05/2020)



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