



WEB COPY

W.P.(MD).No.15442 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.15442 of 2015

and

M.P. (MD).No.2 of 2015

1.M.Joseph

2.T.Rajeshwari

.. Petitioners

Vs.

1.The Inspector General of Registration,
No.100, Santhom High Road,
Mandaiveli, Chennai - 28.

2.The Special Sub Collector (Stamps),
Department of Registration,
In the office of the Collectorate,
Tirunelveli, Tirunelveli District.

3.The Sub Registrar,
Department of Registration,
Rajakkamangalam,
Kanyakumari District.

.. Respondents

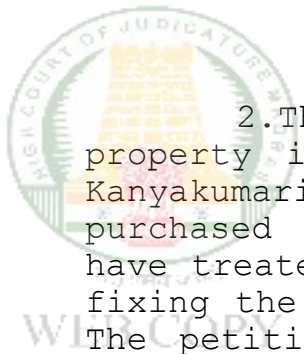
Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1st respondent to enquire the appeal as preferred by the petitioner on 09.05.2015 as against the final order, dated 12.03.2015 under Reference Mu.Sa.X.4/1237/2014, passed by the 2nd respondent and conclude the same within a time frame as specified forthwith by this Court in the above appeal.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.M.Murugan
Government Advocate

ORDER

This writ petition is filed for issuing a writ of mandamus, directing the 1st respondent to enquire the appeal as preferred by the petitioner on 09.05.2015 as against the final order, dated 12.03.2015 under Reference Mu.Sa.X.4/1237/2014, passed by the 2nd respondent and to pass appropriate orders within the time stipulated by this Court.



2.The petitioners are husband and wife. They purchased the property in Resurvey No.530/3 in Neendakarai A Eastern Village, Kanyakumari District. Though it is stated that the petitioners purchased the agricultural land, the third respondent appeared to have treated the land as a house site and referred the document for fixing the market value under Section 47A of the Indian Stamp Act. The petitioners have paid the stamp duty of Rs.1,22,100/-. The second respondent redetermined the market value and pass pro-order on 08.10.2014 and thereafter the final order on 12.03.2015.

3.Aggrieved by the final order passed by the second respondent, the petitioners have preferred an appeal before the first respondent. Even though the petitioner states that an appeal has been filed, they submitted a representation and thereafter requested the representation to be treated as an appeal by paying a sum of Rs.10/- towards Court fee stamp.

4.From the reading of pro-order and the final order passed by the second respondent, this Court is of the view that the order has been passed in a printed format without considering the petitioners' representation. The market value has been arrived at without reference to any document or inspection report. Even at the time of inspection, the second respondent noticed that none of the parties were present. Similarly, the final order also is in the standard format. The petitioner states that there was no application of mind by the second respondent while passing the final order and therefore, the order ought to have been set aside by the first respondent. Though the appeal is presented on 09.05.2015, it is admitted that no final order has been passed by the first respondent.

5.In such circumstances, this Court is inclined to direct the first respondent to treat the representation as a statutory appeal preferred by the petitioners in terms of Section 47 A of the Indian Stamp Act and dispose of the same within a period of six weeks from the date of receipt of the copy of the order after giving an opportunity to the petitioners. It is also made clear that the first respondent shall decide the appeal without raising any objection as to the period of limitation.

6.With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

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/ /2020

Sub Assistant Registrar(CS)



To

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In the office of the Collectorate,
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3.The Sub Registrar,
Department of Registration,
Rajakkamangalam,
Kanyakumari District.

+1 CC to Mr.S.PALANI VELAYUTHAM, Advocate (SR-2916[F] dated
24/01/2020)

+1 CC to SPL.GP (SR-3146[F] dated 27/01/2020)

W.P. (MD) .No.15442 of 2015
24.01.2020

VB(18.02.2020) 3P 6C