IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.2582 of 2021
&WMP.Nos.2920 & 2921 of 2021

K.Chandrasekaran ...Petitioner

-Vs-

1.The Chief Controlling Revenue Authority/
Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2.The District Revenue Officer,
(Stamps), Coimbatore,
Tiruppur, Erode and the Nilgiris,
Coimbatore - 641 018.

3.The Sub Registrar,
Bhavani,
Erode District. ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order made in Mu.Pa.No.1038/2019 dated 21.09.2020 passed by the 2nd respondent, quash the same consequently direct the respondents to return the original sale deed dated 16.09.2019(Doc.No.5117 of 2019) to the petitioner.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

ORDER

The Writ Petition is filed to quash the order passed by the second respondent, wherein he has made a demand for payment of deficit Stamp Duty on a sale deed dated 16.09.2019.

2.Mr.T.M.Pappiah, learned Special Government Pleader takes notice for the respondents and made a fair statement on instructions that form 2 notice was issued on 28.07.2020 without issuing notice under form 1.

3.The said statement of the learned Special Government Pleader is recorded.

4.It is surprising how a senior revenue official such as the second respondent may by pass a procedure as contemplated under the Stamp Act. These are acts of ignorance that are remediable and also capable of being corrected yet, it unnecessarily adds a litigation to this Court, which if only the Authority has spared requisite care, could well have been avoided.

5.Since there is a palpable procedure violation, the impugned proceedings of the second respondent becomes impeachable.

6.Accordingly, this Court allows this Writ Petition quashing the proceedings of the second respondent dated 21.09.2020 and remits the matter back to the second respondent with a further direction that he shall now comply with the requisite procedure of law before completing his enquiry under Section 47 A of the Stamp Act. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Tsg

To

1.The Chief Controlling Revenue Authority/
Inspector General of Registration,
100, Santhome High Road,
Chennai - 600 028.

2.The District Revenue Officer,
(Stamps), Coimbatore,
Tiruppur, Erode and the Nilgiris,
Coimbatore - 641 018.

3.The Sub Registrar,
Bhavani,
Erode District.

+1cc to Mr.N.Manoharan, Advocate Sr.9099
+1cc to the Government Pleader Sr.9511

W.P.No.2582 of 2021

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srg 10/03/2021