IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9464 of 2015
and M.P.Nos.1 and 2 of 2015

G.Parimala
W/o.Gajendiran .. Petitioner

Vs

1.The Revenue Divisional Officer,
Villupuram.

2.The District Munsif,
Villupuram. .. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the first respondent in Na.Ka.A5/1468/2013 dated 10.09.2013 and 12.02.2015 and quash the same.

For Petitioner : Ms.Saishwaraya
for M/s.N.Suresh

For Respondents : Mr.C.Kathiravan
Government Advocate for R1 and R2

O R D E R

The orders dated 10.09.2013 and 12.02.2015 passed by the Revenue Divisional Officer, Villupuram, the 1st respondent herein is under challenge in the present writ petition.

2. The petitioner states that one Mr.Palani and others filed a civil suit against him, in O.S.No.108 of 2009 before the learned District Munsif, Villupuram, in respect of a property situated in S.No.300/2 out of 0.89 acres, an area measuring 1926

sq.ft., within the boundaries stated therein situated at Salamedu Panchayat, V.Maruthur Village, Villupuram Taluk and District and for recovery of Rs.54,000/- as arrears of rent and for delivery of possession. In connection with the civil dispute, there was a deficit stamp duty which is to be paid in respect of the document registered.

3. The petitioner himself states that he was ready to pay the stamp duty and penalty as required under law. The petitioner requested the trial Court to accept the document as evidence by collecting the stamp duty and penalty. However, the 2nd respondent has not collected the stamp duty and penalty. The deficit portion of stamp duty is to be collected under the provisions of the Indian Stamp Act. In this regard, the Revenue Divisional Officer, Villupuram, issued a letter to the Tahsildar to recover the deficit stamp duty and penalty amount from the petitioner and deposit the same in the government accounts.

4. The impugned letter was communicated by the Revenue Divisional Officer, Villupuram to the Tahsildar and this apart it is in connection with the document filed in a civil suit. Thus, if at all any grievances exists as of now, it is for the petitioner either to approach the competent Court of law or file an appeal before the appellate authority. However, this Court cannot adjudicate the disputed facts in the present writ petition in respect of such issues and accordingly, the petitioner is granted with the liberty to approach the appropriate authority, in the manner known to law.

5. With this liberty, the writ petition stands disposed of. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rap/ars

To

1.The Revenue Divisional Officer,
Villupuram.

2.The District Munsif,
Villupuram.

+1cc to Mr.N.Suresh, Advocate, S.R.No.50006
+1cc to the Government Pleader, S.R.No.50558

W.P.No.9464 of 2015 and
M.P.Nos.1 and 2 of 2015

GPL(CO)
SB(13/10/2021)