

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

C.M.A.Nos.2894 of 2019 & 2665 of 2017

and

C.M.P.Nos.15300, 15303 of 2019, 14759, 14760 of 2017

A.L.Saravanakumar

... Appellant
in both appeals

Vs.

1.The Tamil Nadu Chief Revenue Controlling Authority
cum the Inspector General Registration,
Santhome, Chennai - 600 028.

2.The District Revenue Officer (Stamps),
Coimbatore.

3.The District Registrar (Administration),
Tirupur.

4.The Sub-Registrar,
Udumalaipettai.

... Respondents
in C.M.A.No.2894 of 2019

1.The Chief Controlling Revenue
Authority cum Inspector General
of Registration, Santhome,
Chennai - 600 028.

2.The District Revenue Officer (Stamps),
Coimbatore.

3.The Sub-Registrar,
Udumalpet.

... Respondents
in C.M.A.No.2665 of 2017

Prayer in C.M.A.No.2894 of 2019 : Civil Miscellaneous Appeal
filed under Section 47-A(10) of the Indian Stamp Act, 1899, read
with Section 151 of the Code of Civil Procedure, against the
order of the 1st respondent in Na.K.No.59209/N2/2014 dated
20.02.2019 signed on 25.02.2019 by modifying the order of the 2nd
respondent in Mu.Pa.No.1118/U/2012 dated 31.10.2014.

Prayer in C.M.A.No.2665 of 2017 : Civil Miscellaneous Appeal filed under Section 47-A(10) of the Indian Stamp Act, 1899, against the order of the District Revenue Officer, Coimbatore in Mu.Pa.No.1151/U/2013 dated 14.10.2014 and the Chief Revenue Controlling authority cum Inspector of Registration, Chennai-28 in Na.Ka.No.51210/N2/2014 dated 11.04.2017.

For Appellant : Mr.K.Krishnan
for A.Sivaji
in both appeals

For Respondents : Mr.T.M.Pappiah
Special Government Pleader
in both appeals

C O M M O N J U D G M E N T

The learned counsel appearing on behalf of the appellant, before raising his grounds on merits, made a submission that he appeared as counsel for the appellant and submitted his written arguments before the 1st respondent raising objections. However, in the impugned order, there is no reference regarding the appearance of the learned counsel for the appellant as well as the written arguments submitted by him.

2.The learned Special Government Pleader appearing for the respondents also admitted the fact that in respect of the other appeal, the written arguments were received, and mistakenly, it was not referred in the order.

3.However, this Court is of an opinion that the grounds or objections raised in the written arguments are to be considered and suitable findings are to be arrived in that regard. This being the factum, the case is to be remanded back for fresh consideration so as to consider the written arguments submitted by the appellant through his counsel and decide the issues on merits and in accordance with law.

4.For the limited purpose, the matter is remanded back and consequently, the impugned orders, dated 20.02.2019 and 11.04.2017, passed by the 1st respondent, are set aside and the 1st respondent is directed to consider the written arguments submitted on behalf of the appellant and pass a fresh order considering the objections, within a period of 12 weeks from the date of receipt of a copy of this judgment.

5.Accordingly, these Civil Miscellaneous Appeals are

allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VII)

/TRUE COPY/

Sub-Assistant Registrar

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To

- 1.The Tamil Nadu Chief Revenue Controlling Authority
cum the Inspector General of Registration,
Santhome, Chennai - 600 028.
- 2.The District Revenue Officer (Stamps),
Coimbatore.
- 3.The District Registrar (Administration),
Tirupur.
- 4.The Sub-Registrar,
Udumalaipettai.

+2CC TO MR.A.SIVAJI, ADVOCATE, SR.NO. 17097,17099
+1CC TO M/S.GOVERNMENT PLEADER, SR.NO. 17573,17574

C.M.A.Nos.2894 of 2019
and 2665 of 2017

GSM(CO)
KKN 29.04.2021

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