



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.16603 of 2020
and
W.M.P. No. 20594 of 2020

N.Sekar,
S/o. Nageswaran

... Petitioner

Vs.

1.The Special Deputy Collector,
(Stamps),
5th Floor, Collectorate Buildings,
Singaravelan Maligai,
Rajaji Salai, Chennai-1.

2.The Sub-Registrar of Assurances,
(In the cadre of District Registrar),
Anna Nagar,
Chennai-600 040.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice No.P83/2020, dated nil signed on 16.09.2020 issued by the 2nd respondent and quash the same and consequently direct the 2nd respondent to register the Rectification Deed dated 30.07.2020 presented for registration on 11.09.2020 vide P.83/2020 and hand over the same to the petitioner, within the time fixed by this Hon'ble Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate for R1 & R2



for respondents 1 and 2 and perused the records.

5. Considering the fact that, it is only a notice issued by the 2nd respondent stating that, the superstructure has been under-valued and the petitioner has to pay deficit stamp duty of Rs.99,676/-. Since the petitioner has not come forward to pay the same, now it has been stated that, the matter has been referred under Sec.47-A of Indian Stamps Act, and it is also submitted that, the matter is pending with the 1st respondent. As the matter is referred to the 1st respondent under Sec.47-A of the Indian Stamps Act, it is always open to the petitioner to raise his objections before the 1st respondent including the jurisdiction of 2nd respondent for making reference. In the event of raising objections, the 1st respondent is directed to consider the same and pass suitable orders on merits in accordance with law. However, considering the fact that, now the matter is pending from the year 2017, the petitioner is directed to appear before the 1st respondent and submit his objections within a period of four weeks from the date of receipt copy of this order. Thereafter, the 1st respondent is directed to conduct enquiry and pass suitable orders within a period of twelve weeks. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Special Deputy Collector, (Stamps),
5th Floor, Collectorate Buildings,
Singaravelan Maligai,
Rajaji Salai, Chennai-1.
2. The Sub-Registrar of Assurances,
(In the cadre of District Registrar),
Anna Nagar, Chennai-600 040.

+1cc to the Government Pleader (SR No.33522)
+1cc to Mr.K.Premkumar, Advocate (SR No.32798)

W.P.No.16603 of 2020

UM (CO)
PR (16/08/2021)