



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 11121 of 2009 and

M.P. (MD) Nos. 1 & 2 of 2009

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... Petitioner

Vs.

1. The Special Deputy Collector (Stamps),
Thoothukudi.

2. The Sub-Registrar,
Vilathikulam,
Thoothukudi District.

3. The Tahsildar,
Vilathikulam Taluk,
Thoothukudi 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 of the first respondent passed in Si.Pa.No.220/03 dated 27.11.2008 and that of the second respondent's order dated 02.04.2009 and quash the same and consequently direct respondents 1 and 2 to return the petitioner's sale deed bearing Registration Number 17/2003 dated 28.01.2003 on the file of the Sub-Registrar Office, Vilathikulam, Thoothukudi District.

For Petitioner : Mr.V.Ramajegadeesan
For Respondents : Mr.K.Sathiya Singh,
Additional Government Pleader.

O R D E R

Heard the learned counsel on either side.

2. The petitioner purchased the petition mentioned property vide sale deed dated 28.01.2003. It was presented for registration before the Sub Registrar, Vilathikulam and registered as Document No.17/2003. But this document was not returned. The proceedings were initiated under Section 47(A) of the Indian Stamp Act, 1899.

3. The specific case of the petitioner is that he did not hear anything from the respondents thereafter. All that the petitioner received was only the impugned communication dated 27.11.2008 calling upon the petitioner to pay deficit stamp duty of Rs.83,271/- with interest. The petitioner's specific contention is that the petitioner did not receive any of the notices under the relevant statutory rules.



4. The learned Additional Government Pleader initially contended that the petitioner was in fact served with relevant notices. I called upon the learned Additional Government Pleader to produce the relevant file before this Court.

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5. Today the direct official is also present in person before me. I wanted the official as well as the learned Additional Government Pleader to draw my attention to the relevant notices given to the petitioner herein. The learned Additional Government Pleader was unable to do so. I am therefore constrained to state that principles of natural justice have been violated in the instance case. The petitioner has not been served any of the notices under the relevant rules.

6. In this view of the matter, the order impugned in this writ petition is quashed and the matter is remitted to the file of the first respondent to initiate fresh proceedings in accordance with law. I make it clear that the petitioner cannot take plea of limitation.

7. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Special Deputy Collector(Stamps), Thoothukudi.
 2. The Sub-Registrar, Vilathikulam, Thoothukudi District.
 3. The Tahsildar, Vilathikulam Taluk, Thoothukudi District.
- +1 CC to M/s.D.SRINIVASARAGHAVAN, Advocate (SR-2731[F] dated 02/02/2021)
+1 CC to M/s.GP (SR-2780[F] dated 02/02/2021)

W.P. (MD) No.11121 of 2009
01.02.2021

(MJ) CO

AP (04/02/2021) 2P 6C

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