



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16246 of 2021

A.Anandhy

... Petitioner

Vs.

1.The Inspector General of Registration,
120, Santhome Highway,
Paddinapakkam, Chennai-28.

2.The Special Deputy Collector (Stamps),
Thirunelveli District,
Thirunelveli.

3.The District Registrar,
Marthandam,
Kanyakumari District.

4.The Sub Registrar,
Registrar Office,
Karungal,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's appeal dated 10.01.2016 within a time frame.

For Petitioner : Mr.A.Rajkumar Sen
For Respondents : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the expeditious disposal of an appeal filed before the first respondent on 10.01.2016.

2. The petitioner states that she purchased a property comprised in Re-Survey Nos.546/25, 546/18A and 546/10 at Karungal Village, Vilavancode Taluk, Kanyakumari District for a sale consideration of Rs.15,66,411/- (Rupees Fifteen Lakhs Sixty Six Thousand Four Hundred and Eleven Only) under a registered sale deed bearing Document No.2071/2014. A dispute arose with regard to the stamp duty payable in respect of such transaction. The said dispute was referred under Section 47A of the Stamp Act. The appeal filed by the petitioner before the second respondent in such regard was dismissed by an order passed in November, 2015. The petitioner



challenged the said order by way of an appeal before the first respondent on 10.01.2016. The petitioner states that the first respondent sent a letter on 04.02.2016 to the third respondent to conduct an inquiry with regard to the market value of the property and to report thereon. In this connection, the petitioner appeared before the third respondent and submitted all relevant documents on 24.02.2016. In spite of submitting all relevant documents, it is stated that the appeal has not been disposed of till date. The present Writ Petition is filed in these facts and circumstances.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of all the respondents. He submits that the appeal may be directed to be disposed of on merits and in accordance with law.

4. The petitioner has enclosed the order passed by the second respondent on 01.12.2015. The appeal filed before the first respondent has also been enclosed. In addition, a communication dated 04.02.2021 from the first respondent is on record and the said communication indicates that the appeal of the petitioner is being acted upon.

5. Therefore, the petitioner is entitled to the disposal of such appeal within a reasonable time especially bearing in mind that such appeal was filed as early as January, 2016.

6. Accordingly, without going into the merits of the matter, the first respondent herein is directed to consider and dispose of the petitioner's appeal dated 10.01.2016 within a period of three (3) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and any other person who would be affected by the outcome thereof.

7. W.P(MD).No.16246 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg/LM

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



To

1.The Inspector General of Registration,
120, Santhome Highway,
Paddinapakkam, Chennai-28.

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Thirunelveli.

3.The District Registrar,
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+1 CC to M/s.SPL. GP (SR-28955[F] dated 14/09/2021)

W.P (MD) No.16246 of 2021
13.09.2021

RD(24.09.2021) 3P 6C