



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6096 & 6097 of 2009

Bharat Petroleum Corporation Ltd,
1, Ranganathan Gardens,
11th Main Road,
Anna Nagar,
Chennai-600 040
Rep. By its Territory Manager,
Sri Mohan Nair

...Petitioner in both W.P's

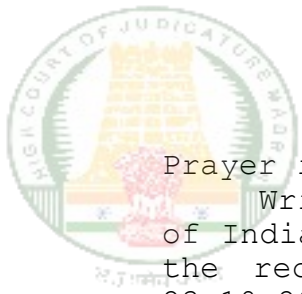
vs.

1. Special Tahsildar (Stamps),
District Revenue Officer,
Collector Office Building,
Rajaji Salai,
Chennai-600 001.
2. The Special Deputy Collector (Stamps),
5th Floor,
Collector Office Building,
Rajaji Salai,
Chennai-600 001.
3. The Sub Registrar,
Kodambakkam,
Chennai-600 024.
4. The Tahsildar,
Egmore-Nungambakkam Taluk,
Chennai-600 031.

... Respondents in both W.P's

Prayer in W.P.No.6096 of 2009:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent under reference NIL dated 23.10.2008, quash the same and consequently to direct the 3rd respondent to release the sale deed registered as document No.269 of 2000 on 19.01.2000.



Prayer in W.P.No.6097 of 2009:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent under reference NIL dated 23.10.2008, quash the same and consequently to direct the 3rd respondent to release the sale deed registered as document No.1223 of 2000 on 02.03.2000.

For Petitioner : Mr.O.R.Santhanakrishnan
in both W.P's

For Respondent R1 to R3 : Mr.Yogesh Kannadasan,
Special Government Pleader
in both W.P's

For Respondent R4 : Mr.T.Chezhiyan,
Additional Government Pleader
in all the W.P's

COMMON ORDER

These Writ Petitions have been filed seeking for issuance of direction to call for the records of the 1st respondent under reference NIL dated 23.10.2008 and quash the same and consequently to direct the 3rd respondent to release the sale deeds registered dated 19.01.2000 and 02.03.2000.

2. The case of the petitioner is that the petitioner corporation is a Government of India Enterprise coming under the Ministry of Petroleum and Natural Gas. Two vacant lands were purchased by the petitioner corporation for total consideration by sale deeds dated 19.01.2000 and 02.03.2000, registered before the Sub Registrar of Assurances (Kodambakkam) and a considerable amount was paid towards stamp duty and registration charges. However, the sale deeds for both the properties were not released. Therefore, the petitioner corporation requested the 2nd respondent to direct the 3rd respondent to release the original sale deeds of the properties. However, no order was passed on the request made by the petitioner. Subsequently, the petitioner corporation received a letter dated 23.10.2008 from the 1st respondent stating that an order has been passed under Section 47 A(1) of the Stamp Act alleging under valuation to the extent of Rs.9,86,830/-. Challenging the same, this Writ Petition has been filed.

3.The learned counsel for the petitioner submitted that though the 1st respondent has initiated 47 A(1) proceedings and issued recovery notices for non payment of the alleged amount, till date, no orders has been passed on the same. Hence, this



Court may enable the petitioner to file appeal before the competent authority under Section 47 A(1) of the Stamp Act.

4. The learned Special Government Pleader and Additional Government Pleader submitted that the order dated 27.10.2000 was passed under Section 47 A(1) of the Stamp Act however, formal notice was not served to the petitioner. Hence, there is no proof available on the same.

5. Considering the fair submission made by the learned counsel for the respondents, this Court is inclined to set aside the impugned order dated 23.10.2008. Therefore, the impugned order passed by the 1st respondent is set aside. Since, formal notice was not served to the petitioner based on the initiation of 47 A(1) proceedings, the appropriate respondent is directed to issue notice and after hearing, pass orders under Section 47 A(1) of the Stamp Act within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the same, the petitioner is granted liberty to work out his remedy before concerned authority in accordance with law. It is noted that the period from the date of passing impugned order till the receipt of the 47 A(1) order shall stand pursuant to this order excluded for the purpose of computing limitation.

6. Accordingly, these writ petitions stand disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

anu

To:

1. Special Tahsildar (Stamps),
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4. The Tahsildar,
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Chennai-600 031.

+1cc to Government Pleader SR.No.10238

W.P.Nos.6096 & 6097 of 2009

KG (CO)
GMY (08/03/2022)