



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21649 of 2012

And

M.P.No.1 of 2012

P.Mohanraj

... Petitioner

Vs.

Joint Sub-Registrar - 2,
Mohanur Road,
Namakkal.

... Respondent

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the respondent relating to the demand dated 03.05.2012 quash the same.

For Petitioner: Mr.C.Jagadish

For Respondent: Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the respondent relating to the demand dated 03.05.2012 and to quash the same.

2.The case of the petitioner is that he purchased the subject property which are agricultural lands and after his purchase, he made arrangements to put up poultry sheds, however, the respondent issued the impugned notice of demand on the premises that there was already a poultry farm in the said land. Aggrieved by the same, the petitioner has filed this writ petition.

3.The learned counsel appearing for the petitioner submitted that if the respondent feels that there is any violation, the respondent ought to have issued notice under Section 47 A or 33 A of the Indian Stamp Act and without



doing so, the respondent has issued the impugned notice of demand which is un-sustainable one.

4.The learned Special Government Pleader appearing for the respondent submitted that the document was registered during the year 2010 and the impugned notice was issued during the year 2012, well within a period of three years and the present impugned notice is only preliminary show cause notice. Thereafter proceedings under Section 47 A of the Act will be initiated against the petitioner.

5.The grievance of the petitioner is that without issuing show cause notice under Section 47 A or 33 A of the Indian Stamp Act, straight away the impugned notice of demand was issued to the petitioner.

6.In view of the above, the impugned notice of demand dated 03.05.2012 is set aside. Since the petitioner is alleged to have suppressed the existing poultry farm while registering the document, the respondent is at liberty to proceed as against the petitioner either under Section 47 A or under Section 33 A of the Indian Stamp Act. The period during the pendency of this writ petition is excluded for the purpose of limitation.

7.With the above observations, this writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

The Joint Sub-Registrar - 2,
Mohanur Road, Namakkal.

+1cc to Mr.C.Jagadish, Advocate Sr.13666
+1cc to the Government Pleader Sr.14135

W.P.No.21649 of 2012
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mt[co]
srg 31/03/2022