



W.P.No.21866 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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And

M.P.No.1 of 2015

- 1.S.Parvatham
- 2.Gomathi Sivakumar
- 3.S.Bhuvaneswari
- 4.S.Ramakrishnan
- 5.Yamuna Dasarathy
- 6.Shyamala Muralikrishnan
- 7.J.Sundari Janakiraman
- 8.Deeptha Janakiraman
- 9.Shreyas Janakiraman

... Petitioners

Vs.

- 1.The District Revenue Officer,
Office of the District Revenue Office (Stamps),
No.32, Rajaji Salai,
Chennai – 600 001.
- 2.The Sub Registrar
Office of the Sub Registrar,
Sriperumpudur,
Kancheepuram District.
- 3.M/s.A.J.Associates
Represented by its Partner
Mr.B.Jayaraj

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorari to call for the records of the first respondent in ref. Na.Ka.C.Pa.No.4801/13/A6 dated 05.08.2013 quash the same.

For Petitioners : Mr.S.R.Raghunathan
For Respondents : Mr.E.Vijay Anand for R1 and R2
Additional Government Pleader

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the first respondent in ref. Na.Ka.C.Pa.No.4801/13/A6 dated 05.08.2013 and to quash the same.

2.The learned counsel appearing for the petitioners submitted that the petitioners presented sale deed bearing Document No.5834/2013 dated 16.05.2013 before the second respondent for registration. Thereafter, proceedings under Section 47A of the Indian Stamp Act was initiated by the first respondent and impugned order was passed, however, no notice in this regard was issued to the petitioners. Hence, the petitioners have filed this writ petition.

3.The learned counsel appearing for the petitioners further submitted that without issuing any notice to the petitioners, the impugned order has been passed, which is not sustainable one, since



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as per Section 47 A(2) of the Indian Stamp Act, it is necessary to issue notice to the parties.

4.The learned Additional Government Pleader submitted that as against the impugned order, there is effective appeal remedy available to the petitioners in terms of Section 47 A(5) of the Indian Stamp Act and without exhausting the appeal remedy, the petitioners have filed this writ petition, which is unsustainable one.

5.At this juncture, the learned counsel appearing for the petitioners submitted that, without going into the merits of the case, this Court may grant liberty to the petitioners to file appeal in terms of Section 47 A(5) of the Indian Stamp Act and issue direction to the competent Authority to consider the same and pass appropriate orders within a reasonable time frame. The learned counsel further prayed that the period during which the writ petition was pending before this Court may be excluded for the purpose of limitation.

6.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any opinion on the merits of the case, permits the petitioner to file



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appeal in terms of Section 47 A(5) of the Indian Stamp Act as against the impugned order, within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioners, the competent Authority shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of the appeal. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.

7. With the above observations and liberty, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

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