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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.30173 OF 2012
AND M.P.NOS.1 TO 3 OF 2012

J.Rajeshkumar

... Petitioner

Vs.

1. The Sub Registrar,
Sholinghur,
Vellore District 631 102.

2. The District Registrar (Administration)
Arakkonam,
Vellore District.

... Respondents

PRAYER:

The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus Calling for the records of the 1st respondent in Note File No.4502/2012 dated 04.09.012 and quash the same and direct the respondents to fix petitioners land as Punja Land as per the I.G.of Registration circular No.34000/L1/2007 dated 12.09.2007.

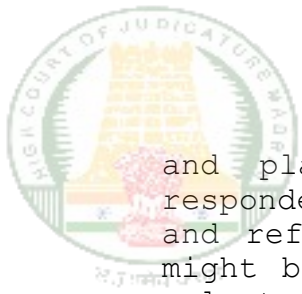
For Petitioners : Mr.S.Packiaraj

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

The petitioner has filed this petition for Writ of Certiorarified Mandamus to call for the records of the 1st respondent in Note File No.4502/2012 dated 04.09.012 and quash the same and direct the respondents to fix petitioners land as Punja Land as per the I.G.of Registration circular No.34000/L1/2007 dated 12.09.2007.

2. The case of the petitioner is that he and his wife have purchased 0.36 cents punja land in S.F.No.713/2A 5A 5C at Sholinghur Village for Rs.13,00,000/- from one A.M.Munirathnam



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and placed the Sale Deed for registration before the 1st respondent and the 1st respondent verified the guideline register and refused to register the same for the reason that the land might be Government Poromboke and thereafter, the 1st respondent reluctantly registered the document as pending document No.101/2010 on 02.07.2010. The petitioner approached the 1st respondent frequently to know whether the Tahsildar, Sholinghur confirm the land is patta land, but to his shock and surprise, he received a show cause notice on 25.09.2012 from the Special Deputy Collector (Stamps) Vellore, demanding stamp duty of Rs.7,20,480/- and the said notice further reveals that the pending document no.101/2010 was registered as Doc.No.4502/2012 on 04.09.201. The said notice was issued without giving any notice to the petitioner. Challenging the said impugned order dated 04.09.2012, registering the document in No.4502/2012 and fixing the per sq.ft rate as Rs.7065/-, the present Writ Petition is filed.

3. The learned counsel appearing for the petitioner submitted that the 1st respondent converted the agricultural land to commercial land and asked to pay extraordinary amount as deficit stamp duty. Hence the petitioner applied under RTI Act to know the information, whereby it was informed that the Tahsildar, Sholinghur has furnished the details of the land to the 1st respondent for taking further action, however after receipt of the letter from the Tahsildar, Sholinghur, the 1st respondent did not take any action to register the pending document No.101/2010. As per the RTI information, the guideline value is available to the adjacent survey no.713/6 classified as Punja Land and the same value ought to have fixed to the land of the petitioner, but the 1st respondent converted the petitioner's land into commercial zone class I and fixed guideline value at Rs.640/- per sq.meter and hence prays for quashment of the impugned order.

4. The learned Special Government Pleader appearing for the respondents submitted that it is only a preliminary notice issued by the authorities and now the District Revenue Officer (stamps) has initiated proceedings under Section 47A of the Indian Stamp Act and Form No.1 and 2 will be issued to the petitioner and enquiry will be conducted in the manner known to law and the petitioner may putforth his case before the said official.

5. This Court has carefully considered the rival submissions and also perused the materials available on record.

6. This Court is of the opinion that the petitioner has challenged the preliminary notice issued by the respondents. It appears that under the due process of law, the 2nd respondent has



initiated proceedings under Section 47A of the Indian Stamp Act and it is pending.

7. In view of the above, this Court directs the 2nd respondent to complete the said proceedings, after affording opportunity to the petitioner, as expeditiously as possible. Accordingly, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub Registrar,
Sholinghur,
Vellore District 631 102.
2. The District Registrar (Administration)
Arakkonam,
Vellore District.

+lcc to Mr.S.Packiaraj, Advocate, S.R.No.14862
+lcc to the Government Pleader, S.R.No.15505

W.P.No.30173 of 2012

SS(CO)
PM/18/03/2022