



WP.No.35905 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP.No.35905 of 2015
and MP.No.1 of 2015

M/s.India Builders (Chennai) Ltd.,
Rep. by its Manager Legal,
No.AA-49, 2nd Street, 3rd Main Road,
Anna Nagar, Chennai 600 040.

...petitioner

Vs.

1. The Sub-Registrar,
Office of the Sub-Registrar,
Anna Nagar, Chennai 600 040.
2. The Inspector General of Registration,
O/o The Inspector General of Registration,
Santhome High Road,
Chennai 600 028.

...respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari to call for the records in respect of the order dated 22.06.2015 passed by the 1st respondent and to quash the order dated 22.06.2015.

For Petitioner	: M/s.T.V.Vineeth Kumar
For Respondents	: Mr.V.Jeevasiridharan
	Additional Government Pleader



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ORDER

This Writ Petition is filed for issuance of a Writ of Certiorari to quash the order passed by the first respondent dated 22.06.2015.

2. The impugned order was passed by the first respondent demanding a sum of Rs.94,705/- from the petitioner. It is also stated that in case of failure to pay the said amount, proceedings will be initiated against the petitioner under the Revenue Recovery Act.

3. The petitioner states that he registered a Construction Agreement vide Document No.1480 of 2014 along with an agreement for sale entered into with a third party on the same date. Based on the recital in the said agreement, the first respondent issued the impugned order directing the petitioner to pay a sum of Rs.94,705/-. The petitioner states that the impugned order is in violation of the principles of natural justice inasmuch as the petitioner was not given an opportunity before the amount was finalised. Further, the petitioner denies the liability in terms of the statutory provisions particularly the Registration Act.



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4. From a reading of the recovery notice, which is impugned in this Writ Petition, it shows that no prior enquiry or show cause notice was issued to the petitioner. Hence, the impugned order is liable to be quashed on the short ground that it is in violation of the principles of natural justice. Accordingly, this Writ Petition is allowed and the impugned order is set aside. However, liberty is given to the respondents to proceed further in accordance with law in case the petitioner is liable to pay any deficit stamp duty. It is needless to state that without issuing a show cause notice and holding enquiry, there shall not be any recovery proceedings against the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
pvs

To

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