



W.P.(MD)No.3719 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3719 of 2017

and

W.M.P.(MD)No.2982 of 2017

1.K.Muniyandi

2.K.Periyasami

3.K.Ganesh

4.K.Saravanan

... Petitioners

Vs.

1.The Special Deputy Collector (Stamps)
District Collector Office Complex,
Tiruchirappalli.

2.The Joint Registrar,
Office of the Joint Sub Registrar Office,
Tiruchirappalli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in 2599/2011, dated 20.07.2015 on the file of the first respondent and quash the same as illegal, incompetent, void and consequently, direct the respondents to return the document No.5859 of 2011, dated 23.08.2011



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on the file of the second respondent to the petitioners within a time fixed by this Court.

For Petitioners : Mr.S.Ramesh
for Mr.V.Raghavachari
For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner had purchased the petition mentioned properties. The sale deed was presented for registration before the second respondent stating that there has been undervaluation and that the petitioners will have to pay the deficit stamp duty reference to Section 47-A of the Indian Stamps Act. It appears that Form I & II notices were sent to the petitioners. But there is no proof to show that the final order dated 4.02.2015 passed by the Special Deputy Collector, Tiruchirappalli was ever served on the petitioner.

3. Therefore, this writ petition is disposed of in the following terms:-



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(I) The first respondent is directed to serve afresh an authenticated copy of the final order dated 04.02.2015.

(II) The petitioners are at liberty to file an appeal before the IG of Registration within 30 days after such service. If the appeal is filed in time, IG of Registration shall dispose of the appeal on merits and in accordance with law within a period of four months thereafter.

No costs.

4. Since the Hon'ble Division Bench had already directed that till the conclusion of the proceedings under Section 47(A) of the Indian Stamps Act, the document cannot be returned, I am not in a position to grant such relief to the petitioner herein. Since the petitioners are going to be served with the final order of the Special Deputy Collector only pursuant to the direction now given, the question of levying penalty and interest on the petitioners for this period ie., from the date of passing of the final order and the date of service will not arise.

29.06.2022

Index : Yes / No
Internet : Yes/ No
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rmi

To

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