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W.P.Nos.15117 & 15118 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.15117 & 15118 of 2015 and
M.P.No.1 of 2015

S.Umamaheswari	..	Petitioner in both W.Ps
VS		
1. The District Revenue Officer (Stamps) Office of the District Collector Coimbatore.		
2. The Sub-Registrar Palladam Coimbatore District.	..	Respondents in both W.Ps

Prayer in W.P.No.15117 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the second respondent vide notice vide Document No.17995/12 Vu.Tha.Maadham:7, 8/12 Bagam – 2, Inam (1) (15) 7 dated 05.05.2015 and quash the same;

Prayer in W.P.No.15118 of 2015: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the second respondent vide notice vide Document No.17959/12 Vu.Tha.Maadham:11, 12/12 Bagam – 2, Inam (1) (15) dated 30.12.2014 and quash the same.

For Petitioner in
both W.Ps : Mr.S.Sithirai Anandam

For Respondents
in both W.Ps : Mr.S.Ravichandran
Additional Government Pleader



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COMMON ORDER

The notices issued by the Sub-Registrar, Palladam, asking the petitioner to pay the deficit stamp duty is under challenge in these writ petitions.

2. The petitioner presented a document for registration and after registering the same, the Sub-Registrar found that the petitioner has not paid the stamp duty. Therefore, the Sub-Registrar issued notices dated 05.05.2015 and 30.12.2014 to the petitioner to pay the deficit stamp duty of Rs.58,722/- and 3,85,649/-. The said notices are under challenge in these writ petitions.

3. The learned counsel for the petitioner states that the petitioner preferred an appeal before the first respondent District Revenue Officer (Stamps) and the said appeal is pending. First of all, a notice issued by the Sub-Registrar cannot be a case for filing a writ petition. Subsequently, the Sub-Registrar passed final orders, which is also challenged in W.P.No.15118 of 2015.

4. However, the petitioner states that an appeal has been



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preferred before the first respondent, which is pending as of now. If any such appeal is pending before the first respondent, the petitioner is at liberty to pursue the appeal. If no such appeal is pending, then also, the petitioner is at liberty to prefer an appeal before the first respondent and in such an event, the first respondent shall adjudicate the issues and pass appropriate orders, on merits and in accordance with law, by providing opportunity to the writ petitioner as expeditiously as possible.

6. With these directions, the writ petitions are disposed of. There will be no order as to costs. Consequently, M.P.No.1 of 2015 is also closed.

Index : Yes/No
Neutral Citation : Yes/No

25.04.2023

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To:

1. The District Revenue Officer (Stamps)
Office of the District Collector
Coimbatore.
2. The Sub-Registrar
Palladam
Coimbatore District.



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S.M. SUBRAMANIAM, J.

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