



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23484 of 2015

and

M.P.Nos.1 & 2 of 2015

C.Muthusamy

... Petitioner

Vs.

1.The Special Deputy Collector (Stamps)

O/o. The District Collector
Coimbatore.

2.The Tahsildar

Kangeyam
Erode District.

3.The Sub-Registrar

Vellakoil Register Office
Erode District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for records relating to order of the 3rd respondent made in Document No.99/98/Mu Pa No.37/98 dated 03.06.2015, to quash the same.



For Petitioner : Mr.L.Chandra Kumar
For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

The notice issued by the 3rd respondent / Sub Registrar asking the petitioner to appear before the Special Tahsildar (Stamps) on 09.06.2015 at 10:00 a.m. for seeking explanation is under challenge in the present writ petition.

2. The writ petitioner states that he had purchased a property situated in Uthamapalayam Village, Erode District. It was registered vide Document No.1647/1998 on the file of the 3rd respondent. The respondents claimed deficit of stamp duty and the petitioner approached this Court by filing W.P.No.48640 of 2006 and this Court passed an order on 14.12.2006 granting an order of status quo. Subsequently, the writ petition was referred before the Lok Adalat and an Award was passed by the Lok Adalat on 14.03.2015. The terms of the Lok Adalat reads as under:

“2. Today, when the matter is taken up for consideration, the first respondent has given an assurance that he will look into the grievances of



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the petitioner.

3. In view of the assurance given by the first respondent, the petitioner wants the matter to be remanded to the first respondent.

4. Accordingly, this Writ Petition is disposed of and the matter is remanded to the first respondent for taking final decision. The first respondent shall take final decision in this matter within a period of three months from the date of receipt of a copy of this order. Consequently, M.P.No.1 of 2006 is closed.”

3. Pursuant to the Lok Adalat Award, the Sub Registrar issued an impugned notice to the writ petitioner asking him to appear before the Special Tahsildar (Stamps). The petitioner ought to have appeared before the Special Tahsildar (Stamps) and placed all the documents if any. Contrarily, the petitioner has chosen to file the present writ petition.

4. The authorities have not passed any final orders determining the Stamp Duty to be recovered from the petitioner in respect of the document registered. It is in the process of adjudication and therefore, the petitioner is expected to appear before the Special Tahsildar (Stamps) for the purpose of



getting his explanation or to defend his case or present document or otherwise.

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5. In view of the fact that the writ petition was instituted prematurely, the petitioner has to avail the opportunity provided by the authorities for the purpose of establishing his case.

6. In view of the facts and circumstances, the petitioner is at liberty to approach the competent authorities for the purpose of establishing his case and the respondents are directed proceed with the enquiry and conclude the same as expeditiously as possible on merits and in accordance with law.

7. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

06.06.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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