



WEB COPY



Writ Petition No. 9247 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No. 9247 of 2017
and W.M.P. Nos. 10204 & 10205 of 2017

V.Veerammal

... Petitioner

-Vs-

1. The District Registrar,
District Registrar Office,
Chengalpet, Kancheepuram District.

2. The Sub-Registrar,
Thirukazhukundram,
Kancheepuram District.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records and to quash the impugned show cause notice issued by the 1st respondent vide க.எண்.434/ஆ1/2014 dated 23.09.2015 and direct the 2nd respondent to release and register Gift Settlement Deed dated 11.07.2013 pending document No.P74/2013.

For Petitioner : Mr.B.Vijayakumar

For Respondents : Mr. P.Sathish
Additional Government Pleader



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ORDER

Challenging the notice/show cause issued by the first respondent dated 23.09.2015 this writ petition has been filed.

2. The issue was that the document viz., a gift deed executed in favour of the petitioner by the daughter of the petitioner whether can be treated as a document within the meaning of Section 55(C) of the Indian Stamp Act, 1899 [in short, 'the Act'] was a question.

3. In this regard, in response to the show cause notice dated 23.09.2015, the petitioner has given a detailed reply on 09.05.2016, where objections had been raised stating that, it is a transaction between the daughter and the mother and therefore, they are family members, hence, the document cannot be treated as within the meaning of Section 55(C) of the Act as claimed by the first respondent through the impugned notice. Since the reply dated 09.05.2016 subsequently given has not been considered, the petitioner has moved the present writ petition as contended by Mr.B.Vijaya Kumar, learned counsel for petitioner.



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4. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents, who would submit that, if at all the petitioner has given reply to the show cause notice dated 23.09.2015, which is impugned herein, the said reply would be considered and accordingly on merits, the issue would be considered and decided within a time frame that may be stipulated by this Court.

5. Considering the said submission made by the learned Additional Government Pleader appearing for the respondents and having regard to the aforesaid factual matrix of the case, this Court feels that a direction can be given to the first respondent to decide the said issue after taking note of the objection given by the petitioner vide his reply dated 09.05.2016.

6. Hence, the following orders are passed:

That there shall be a direction to the first respondent to consider the reply given by the petitioner on 09.05.2016 and pass orders thereon on merits and in accordance with law within a period of eight(8) weeks from the date of receipt of a copy of this order.



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R. SURESH KUMAR, J.

mp

With this direction, this writ petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

19.01.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No

mp

To

1. The District Registrar,
District Registrar Office,
Chengalpet, Kancheepuram District.
2. The Sub-Registrar,
Thirukazhukundram,
Kancheepuram District.

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