



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 21-12-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.A.No.10 of 2024

M/s.Alamelu Srinivasa Ventures LLP...

Appellant

-VS-

- 1.The Chief Controlling Revenue Authority cum
Inspector General of Registration,
Registration Department,
100, Santhom High Road,
Chennai – 600 028.
- 2.The District Registrar,
Administration,
Office of the District Registrar,
The Nilgiris District – 643 001.
- 3.The Sub Registrar,
Office of the Sub Registrar,
Conoor,
The Nilgiris District – 643 001.
- 4.The District Revenue Officer (Stamps),
Collectorate Campus,
Coimbatore – 641 018.



5.The Recovery Officer,
Employees Provident Fund Organisation,
Bhavishya Nidhi Bhawan,
76, Balasundaram Road,
Gopalapuram,
Coimbatore District – 641 018. ...

Respondents

Appeal under Clause 15 of the Letters Patent against the order, dated 03.08.2023, passed in W.P.No.22838 of 2023.

For Appellant : Ms.A.Reshma

For Respondents 1 to 4 : Mr.A.Selvendran,
Spl.Govt.Pleader.

For Respondent 5 : Mr.R.Vishnu

JUDGMENT

(By *S.Vaidyanathan,J.*)

This appeal has been filed challenging the order of the learned single Judge, dated 03.08.2023, passed in W.P.No.22838 of 2023.

2. The main contention of the appellant, while questioning the proceedings of the District Registrar, dated 01.08.2022, is that the property has been brought for public auction and that the appellant has already paid stamp duty at 5% + 1%, which is payable in respect of the public auction conducted by Debt Recovery Tribunal/Civil Court, while the Registering Authority has demanded it at 7% + 4%, of which 4% is reduced to 2%.

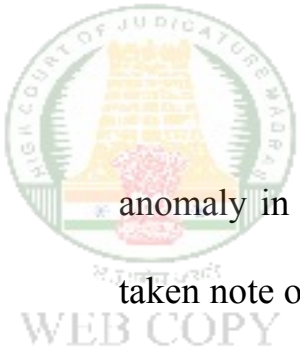


3. Sale Certificate has been issued by the Recovery Officer of Employees Provident Fund Organisation. Much water has flown after issuance of communication by third respondent, dated 27.06.2023, which is in the form of notice.

4. In view of the above, the appellant will have to work out his remedy before the authority concerned and Writ Petition was not the alternative remedy. That apart, the appellant has also filed an appeal against the order of the District Registrar. That being the case, the Writ Petition was premature and the learned single Judge had rightly dismissed the same, giving liberty to the appellant to work out his remedy before the appellate authority/forum in accordance with law. If any appeal proceedings are pending before the Appellate Authority, the said Authority is expected to decide the same within a period of three months from the date of receipt of this order, after affording an opportunity to the parties concerned.

5. Writ Appeal is dismissed accordingly. No costs. Consequently, the connected C.M.P.No.83 of 2024 is closed.

6. Before parting with, it is worth mentioning to state that though this Writ Appeal is of the year, the date of its disposal of was 21.12.2023, as the petition to condone the delay of 13 days in filing the appeal was allowed on 21.12.2023 and the Writ Appeal was disposed of on the same day simultaneously, directing the Registry to number the appeal. However, due to some delay with the Registry in numbering the appeal, the year 2023 has gone by and new year 2024 has come in. Therefore, the



anomaly in date of disposal of the Writ Appeal has happened and the same has to be taken note of.

Index : Yes/No
Internet : Yes/No
dixit

(S.V.N.,J.) (K.R.S.,J.)
21-12-2023

To

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