



W.P.(MD) No.7020 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2023

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.7020 of 2020
and
W.M.P.(MD) No.6447 of 2020**

J.T.Wislet Jemima

... Petitioner

/vs./

**1.The District Collector,
Tirunelveli District,
Tirunelveli.**

**2.The Tahsildar,
Radhapuram,
Tirunelveli District.**

**3.The Sub Registrar,
SRO, Valliyoor,
Tirunelveli District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to receive the proportionated undervalued stamp duty in respect of the petitioner's land in Sy.No.1627/2, New Sy.No.1627/2B measuring an extent of 21.29 cents situated at



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Valliyoor Bit-2, Radhapuram Taluk, Valliyoor SRO, Tirunelveli District and also direct the 2nd respondent to issue patta in her name, on the basis of the petitioner's representation dated 11.03.2020.

For Petitioner : Mr.P.M.Vishnuvarthanan

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The above writ petition has been filed by the petitioner for a Mandamus directing the respondents to receive the proportionate undervalue stamp duty in respect of the petitioner's land in S.No.1627/2, New S.No.1627/2B and to direct the second respondent to issue patta in her name.

2.It is the case of the petitioner that she is the absolute owner of the above referred property, which she had purchased from one David Rathnaraj. She would submit that she had purchased the property *bona fide* believing the title of her predecessor in title and thereafter she had approached the revenue officials for mutating the revenue records in the name of her children. It was then that the petitioner had come to learn that the earlier sale deed was under valued and therefore, action had been initiated under the Indian Stamps Act, 1899. The



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petitioner had immediately approached the first respondent to clarify the position.

The first respondent in turn had directed the petitioner to implead herself in the proceedings. The petitioner in paragraph No.7 of her affidavit had stated as follows:-

“7.I respectfully submit that, in so far as my property in Sy.No. 1627/2, New.Sy.No.1627/2B, I have purchased 21.29 cents and I ready and hereby undertake to pay the escalation stamps or undervalued stamp duty and that may be considered by the 2nd respondent to clear any proceedings under the Indian Stamps Act over my purchased portion of land. The said representation was not considered by the 1st respondent till date. I am once again reiterate that I am ready to pay the proportionated undervalued stamp charges to the 1st respondent in the proceedings initiated under Section 47(A) of Indian Stamp Act, 1899. Hence, the writ petition.”

3.The learned Special Government Pleader for the respondents would submit that in the light of the undertaking given in paragraph No.7, the petitioner could make an application to the first respondent, who will thereupon consider the same.



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4. Therefore, the Writ Petition is disposed of with a direction to the petitioner to make a fresh representation to the first respondent. The first respondent shall take into account the undertaking given by the petitioner to pay the proportionate stamp duty and pass orders by following due process of law within a month from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

18.04.2023

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To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Radhapuram,
Tirunelveli District.



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3.The Sub Registrar,
SRO, Valliyoor,
Tirunelveli District.



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