



W.P.(MD)No.14910 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.14910 of 2020
and
W.M.P.(MD).No.12542 of 2020

Mohammed Farook

... Petitioner

Vs.

1.The Special Deputy Collector (Stamps),
Madurai District Collector Office,
Madurai.

2.The Sub-Registrar,
Sub-Registrar Office,
Kodaikanal Post and Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in respect of the order in S.R.No.996/18 dated 17.06.2020, issued by the first respondent, quash the same and direct the respondents 1 and 2 to release the sale deed dated 22.04.2015 to the petitioner.



W.P.(MD)No.14910 of 2020

For Petitioner : Mr.V.Lakshmanan

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings of the first respondent dated 17.06.2020 and for a consequential direction to the respondents 1 and 2 to register and release the sale deed dated 22.04.2015.

2. The petitioner purchased the subject property through sale deed dated 22.04.2015 and the said document was presented for registration before the second respondent. This document was kept as a pending document on the ground that the property has been under valued. The matter was referred to the first respondent under Section 47-A of the Indian Stamp Act for determination of the value of the property.

3. The grievance of the petitioner is that the first respondent without any application of mind and without any discussion, passed a formatted order. The same has been put to challenge in the present Writ Petition.



W.P.(MD)No.14910 of 2020

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4. Heard the learned counsel appearing on behalf of the petitioner and the learned Special Government Pleader appearing on behalf of the respondents.

5. This Court carefully went through the order passed by the first respondent dated 17.06.2020. This proceeding cannot even be called as an order, since the first respondent has merely filled up the gaps. Such formatted orders have been deprecated by this Court time and again. The first respondent is exercising a quasi judicial function and hence the order has to contain reasons and the first respondent can never pass such a formatted order. Hence, the impugned proceedings of the first respondent dated 17.06.2020 is hereby quashed. The matter is remanded back to the file of the first respondent and the first respondent is directed to issue notice to the petitioner and hear him and thereafter pass final orders strictly in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. If ultimately, the value of the property is fixed and the petitioner pays the requisite stamp duty and registration charges, the document shall be registered and released in favour of the petitioner.



W.P.(MD)No.14910 of 2020

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6. This Court while entertaining this Writ Petition granted interim order on a condition that the petitioner must deposit a sum of Rs.2,00,000/- (Rupees Two Lakh only) and accordingly, the petitioner has also deposited the amount. Since this Court is interfering with the order passed by the first respondent, the petitioner is permitted to withdraw the amount that was deposited. Upon the request made by the petitioner for withdrawal of the amount, the petitioner shall be permitted to withdraw the amount forthwith.

7. This Writ Petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

14.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



W.P.(MD)No.14910 of 2020

To

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- 1.The Special Deputy Collector (Stamps),
Madurai District Collector Office,
Madurai.
- 2.The Sub-Registrar,
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W.P.(MD)No.14910 of 2020

N.ANAND VENKATESH, J.

Nsr

W.P.(MD)No.14910 of 2020

14.12.2023