



WEB COPY



W.P. Nos.9111 & 9112 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P. Nos.9111 & 9112 of 2022

P.Pandian

. . Petitioner in both WPs

Vs

1.The Inspector General of Registration
No.100, Santhome High Road
Mylapore, Chennai - 600 004

2.The Deputy Collector (Stamps)
Vellore District

3.The Sub Registrar
Sholinghur Village, Walajah Taluk
Ranipet District.

. .Respondents in both WPs

COMMON PRAYER: Writ petitions filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records in Mu.Mu. No.45473/N3/2021 and 45474/N3/2021 dated 23.12.2021 on the file of the first respondent and quash the same, and direct the 1st respondent to reconsider the representation dated 23.11.2021 on merits and pass appropriate orders based on the records.



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For Petitioner in : Mr.V.Viswanathan
both WPs

For Respondents : Mr.Yogesh Kannadasan,
Spl. Govt. Pleader for R1 to R3

COMMON ORDER

Challenge in these writ petitions is to an order rejecting the appeal against the order passed under Section 47-A(5) of the Stamp Act.

2. Learned counsel appearing for the petitioner would submit that the order passed under Section 47-A(5) of the Stamp Act was never served on the petitioner at any point of time. When the matter came up before this court during the last hearing, this court directed the respondents to produce the proof for service of such order.

3. Today, the learned Special Government Pleader appearing for the respondents, on instructions, submits that. on the records no such proof is available.



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4. When there is no evidence to show that the orders have been served on the petitioner in time to enable him to file an appeal as per the Rules, it cannot be said that the limitation is applicable to reject the appeal.

5. When the respondents are not in a position to show whether orders have been served or not, the order passed by the first respondent rejecting the appeal on the ground of limitation has to be set aside and the matter has to be remanded back to the Inspector General of Registration. Accordingly, the impugned orders of the first respondent are set aside and the matter is remanded back to the first respondent. Let the first respondent/Inspector General of Registration can decide the matter on its own merits after giving proper opportunity to the petitioner and such an order shall be passed within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No costs.

08.04.2024

Index : Yes / No
Speaking/non speaking order
Neutral Citation : Yes/No
Asr



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To

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- 4.The Government Pleader
High Court, Madras



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N. SATHISH KUMAR, J.

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