



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.18998 of 2024
and
W.M.P(MD)No.16045 of 2024

Syed Fathima

..Petitioner

Vs

1.The Special Deputy Collector(Stamps),
Office of the Special Deputy Collector(Stamps),
Kokkirakulam,
Tirunelveli.

2.The Sub-Registrar,
Melapalayam Sub-Registrar Office,
Registration Department,
Palayamkottai,
Tirunelveli District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorified Mandamus calling for the records relating to the impugned notice in S.No.114 of 2012 dated 18.09.2012 issued by the second respondent under Section 47(A) 1 of Indian Stamp Act, 1899 and to quash the same as illegal and consequently to direct the respondents to calculate the market value of the property mentioned in the Document No.6255 of 2012, dated 24.08.2012, on the file of the second respondent in the light of the proceeding in Mu.Sa.X3/978/10 in Document No.851 of 2010, dated 3.12.2012 passed by the first respondent.



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For Respondents 1 and 2 :Mr.P.Subbaraj
Special Govt.Pleader

ORDER

The Petitioner has filed this Writ Petition seeking for issuance of a Writ of Certiorified Mandamus calling for the records relating to the impugned notice in S.No.114 of 2012 dated 18.09.2012 issued by the second respondent under Section 47(A) 1 of Indian Stamp Act, 1899 and to quash the same as illegal and consequently to direct the respondents to calculate the market value of the property mentioned in the Document No.6255 of 2012, dated 24.08.2012, on the file of the second respondent in the light of the proceeding in Mu.Sa.X3/978/10 in Documentjt No.851 of 2010, dated 3.12.2012 passed by the first respondent.

2.Mr.P.Subbaraj learned Special Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The grievance of the Petitioner is that in respect of similar suit property, the value has been determined at Rs.2490 per sq.ft. The Petitioner is ready to pay that amount and that the notice issued in this regard by the respondents is sought to be quashed.



4.This Court is of the view that the Writ Petition is not maintainable as the proceedings under Section 47(A) of the Indian Stamps Act has already been initiated and the document is referred for determination of the market value.The order to be passed after following several procedures and the market value is to be determined after finding that any undervaluation is made in the instrument. Even while passing the order, the Petitioner will be heard and only after hearing him, the orders will be passed. As such, the prayer sought for by the Petitioner is not acceptable and the Writ Petition is not maintainable.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

06.08.20245

Index : Yes/No

Internet:Yes/No

NCC :Yes/No

vsn

To

1.The Special Deputy Collector(Stamps),
Office of the Special Deputy Collector(Stamps),
Kokkirakulam,
Tirunelveli.

2.The Sub-Registrar,
Melapalayam Sub-Registrar Office,
Registration Department,



Palayamkottai,
Tirunelveli District.

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N.SATHISH KUMAR.,J

vsn

ORDER MADE IN

W.P(MD)No.18998 OF 2024

06.08.2024



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