



W.P(MD)No.21278 & 21279 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)Nos.21278 and 21279 of 2017

D.Meena

: Petitioner
(W.P(MD)No.21278 of 2017)

N.RM.Subramani

: Petitioner
(W.P(MD)No.21279 of 2017)

Vs.

1.The Special Deputy Collector (Stamps)
Virudhunagar.

2.The Joint-I Sub-Registrar,
Karaikudi, Sivagangai District.

: Respondents
(in both petitions)

PRAYER in W.P(MD)No.21278 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus, to call for the records of the impugned order issued by the respondent in Tha.Pa.No.S.2/438/15, dated 12.10.2017 and quash the same and consequently, direct the respondents to return the rectification deed to the petitioner bearing Registration No.187/2015, dated 17.12.2014 on the file of the second respondent without insisting upon any further stamp duty within time frame fixed by this Court.



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PRAYER in W.P(MD)No.21279 of 2017: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari Mandamus, to call for the records of the impugned order issued by the respondent in Tha.Pa.No.S.2/440/15, dated 12.10.2017 and quash the same and consequently, direct the respondents to return the rectification deed to the petitioner bearing Registration No.186/2015, dated 17.12.2014 on the file of the second respondent without insisting upon any further stamp duty within time frame fixed by this Court.

(in both petitions)

For Petitioners : Mr.RM.Arun Swaminathan

For Respondents : Mr.R.Raghavendran,
Government Advocate (Civil Side)

COMMON ORDER

These Writ Petitions are directed against the urgent notice, dated 12.10.2017 in Tha.Pa.No.S.2/438/15 and Tha.Pa.No.S.2/440/15, directing the petitioners to pay the deficit stamp duty for the document registered on 17.12.2014.

2. The learned counsel for the petitioners would submit that the petitioners have purchased the property from one Alamelu Ammal and there existed some typographical error and mistakes in the sale deeds



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executed by the said Alamelu Ammal in the schedule of property portion; that the petitioners had requested the Alamelu Ammal to rectify the same and in pursuance of the same, the rectification deeds came to be executed, but the second respondent has directed the petitioners to first register the cancellation deeds and then to register the fresh sale deeds again; that though the petitioners have sent legal notice on 01.06.2015, the respondents, without sending any reply, has issued the impugned notices.

3. The learned counsel for the petitioners would submit that the petitioner in Writ Petition in W.P(MD)No.21278 of 2017 is the sister of the petitioner in W.P.(MD)No.21279 of 2017 and they wanted to change the flats.

4. The learned Government Advocate (Civil Side) appearing for the respondents would submit that there are two boundaries and the extent are different. He would further submit that the petitioners may be directed to submit a reply to the impugned notice and the first respondent may be directed to consider the same and pass orders within time frame to be stipulated by this Court.



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5. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel on either side, without expressing any opinion on the merits of the case, the petitioners are directed to submit their reply to the first respondent within a period of three weeks from the date of receipt of copy of this order and on receipt of the same, the first respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of three weeks thereafter.

5. With the above directions, these Writ Petitions are disposed of.

No costs.

23.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das



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K.MURALI SHANKAR, J

DAS

Order made in
W.P(MD)Nos.21278 and 21279 of 2017

Dated : 23.04.2024