



W.P(MD)No.13096 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.13096 of 2023

and

WMP(MD)No.11089 of 2023

R.Rajalakshmi

.. Petitioner

Vs.

1. The Inspector General of Registration,
109, Santhome Road, Chennai - 600 028.

2. The Special Deputy Collector (Stamp Duty),
District Collectorate Campus, Madurai – 20.

3. The District Registrar (Administration),
Dindigul District, Dindigul.

4. The Sub Registrar,
Kannivadi Sub Registrar Office,
Kannivadi, Dindigul District.

5. The Tahsildar,
Dindigul West Taluk Office,
Dindigul, Dindigul District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari Mandamus, to call for the records pertaining to the impugned recovery notice issued by the 2nd respondent in his proceedings in S.R.No.189/14 in Document No.564/14 dated 15.07.2022 and quash the same as illegal and arbitrary consequently direct the 2nd and 4th



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respondents herein to release the petitioner's document in Doc.No.564/2014 dated 24.03.2014 with regard to property in Survey No.74/1, 74/2, 74/8 and Survey No. 78/2 to an extent of totally 3 acre 13 cents situated at Kamatchipuram village, Dindigul Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathi Shankar

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

The present writ petition is filed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned recovery notice, dated 15.07.2022 and to direct the respondents to release the sale deed.

2.The petitioner had purchased 2 acres 3 cents in Survey No.74/1 and 23 cents in Survey No.74/2 and 26 cents out of 2 acres 26 cents in same survey number, 1 acre 9 cents in Survey No.74/8 and 1 acre 78 cents in Survey No.78/2, ie., totally 3 acre 13 cents. The same was registered. However, the case was referred to Section 47-A proceedings. The 2nd respondent has passed an order dated 30.10.2017 directing the petitioner to pay additional stamp duty of Rs. 8,37,754/-. The petitioner had preferred an appeal to the 1st respondent on 25.11.2017 and the same was pending. Pending the appeal, the present recovery notice was issued. Aggrieved over the same, the present writ petition is filed.



3.The contention of the petitioner is that the land in question is a Tharisu land and there is no commercial building or residential house in the said area. In such circumstances, fixing higher value to the said land is without any basis. The said contention of the petitioner ought to be agitated before the 1st respondent wherein the appeal is pending. But in the counter affidavit, the respondents had stated that the petitioner has not filed any appeal against the order dated 30.10.2017. If it is so, the petitioner cannot challenge the recovery notice without filing any appeal.

4.Therefore, this Court is of the considered opinion that the impugned order cannot be quashed. However, an opportunity may be granted to the petitioner to file an appeal. Therefore, the impugned order is kept in abeyance for a period of two months from the date of receipt of a copy of this order. The petitioner is directed to file an appeal within the a period of two months from the date of receipt of a copy of this order. If it is filed, the respondents shall consider the appeal on merits within a period of four months from the date of receipt of the appeal. Once the appeal is filed, the respondents shall not proceed with the recovery notice. After the disposal of the appeal, the respondents shall issue fresh recovery notice. If the petitioner has not preferred any appeal within said two months, the respondents are at liberty to proceed further.



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5. With the above said observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.08.2025

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

Tmg

To

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109, Santhome Road, Chennai - 600 028.
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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
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