

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.5037/2013 & MP No.1/2013

T.Senthil Kumar

...Petitioner

..Vs..

The Sub Registrar,
Cheyyur Sub-Registrar Office,
Kancheepuram District.

..Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to register and release the document dated 21.09.2012 as pending the document No.P 201200170 of the petitioner on the file of the respondent.

For petitioner : Mr.P.Vasanth

For Respondent : Mr.A.Zakir Hussain, GA

ORDER

Heard Mr.P.Vasanth, learned counsel for the petitioner and Mr.A.Zakkir Hussain, learned Government Advocate appearing for the respondent. With the consent of either side, the writ petition is taken up for final disposal.

2.The petitioner has sought for a direction to the respondent to register and release the sale deed dated 21.09.2012 which is kept as pending Document No.P201200170.

3.According to the petitioner, he had presented a sale deed to the respondent on 21.09.2012, on account of purchase of a land measuring an extent of 3 cents appraised in Survey No.102/2A, situated at Kadappakkam Village, Cheyyur Taluk, Kancheepuram District for a total sale consideration of Rs.2,25,000/- (Two Lakh Twenty five thousand Only). On receipt of the document, the respondent had kept it pending and had demanded deficit stamp duty. In this connection, the petitioner had made an application under the Right to Information Act on 10.12.2012 seeking for guideline value, to which the respondent

gave a reply on 14.12.2012 stating that the Government value for the purpose of registration is Rs.75,00,000/- (Rupees seventy five lakhs only) per acre, Since petitioner had purchased only 3 cents, the guideline value as indicated by the respondent works out to Rs.2,25,000/- (Rupees Two lakhs twenty five thousand only) and the registration fees is 1% of the said amount.

4. When the Writ petition was listed today, the learned Government Advocate on written instructions from the respondent would submit that the petitioner had calculated the guideline value on the basis of "cents" and that the concerned survey number has been registered in square feet and therefore, there is a deficit stamp duty value to be paid by the petitioner. The learned Government Advocate has also produced a communication of the Sub Registrar, Cheyyur, addressed to the Government Pleader, High Court, Madras, dated 19.11.2016, stating that the document for the property in question has been registered in "cent rate" during the year 2010 itself, and the land in S.No.102/2A is now been shown in "square feet rate" and hence, the petitioner is liable to pay a deficit stamp duty of Rs.7140/- and the registration fees of Rs.1020/- .

5. I am unable to countenance the statement made by the learned Government Advocate. Even assuming that the guideline value has been calculated in cents and that the lands in survey No.102/2A has been registered in square feet in the revenue records, there cannot be any difference in the guideline value when the lands is converted from cents to square feet. Moreover it is the respondent who had to informed the petitioner that the guideline value for the subject land is 75,00,000/- (Rupees Seventy five lakhs only) per acre. The petitioner had paid the appropriate stamp duty according to the guideline value indicated by the respondent. As such, the respondent is bound to have registered the said document and released the same to the petitioner.

6. Under such circumstances, there shall be a direction to the respondent to register the petitioner's sale deed dated 21.09.2012 kept as pending document No.170/2012 and forthwith release the same to the petitioner without insisting for deficit stamp duty of registration fees. The said exercise shall be completing within the period of four weeks from the date of copy of this order.

7.The writ petition stands allowed with the above direction.
No costs. Consequently the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

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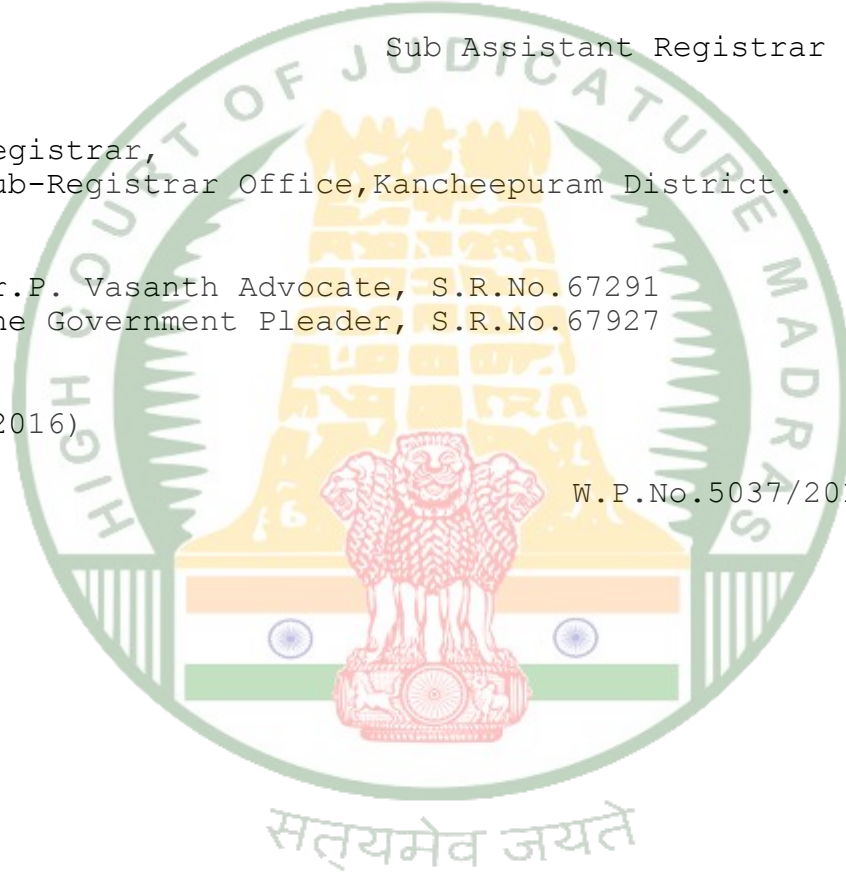
Sub Assistant Registrar

KP
To
The Sub Registrar,
Cheyyur Sub-Registrar Office, Kancheepuram District.

+1cc to Mr.P. Vasanth Advocate, S.R.No.67291
+1cc to the Government Pleader, S.R.No.67927

ssi (CO)
md(23/12/2016)

W.P.No.5037/2013



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