

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

Writ Petition No.38053 of 2015

Anil Kumar

... Petitioner

Vs.

1. The Inspector General of Registration and Chief Revenue Authority, Chennai 600 028.
 2. The District Registrar, Administration, South Chennai, Saidapet, Chennai 600 015.
 3. The Sub-Registrar, Alandur, Chennai 600 016.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records on the file of the 2nd respondent vide No.12060/Aa1/2015, dated 20.11.2015 confirming the demand of the 3rd respondent No.P153/2015 dated 04.08.2015, namely a demand for payment of additional stamp duty of Rs.19,27,000/-, quash the same, and consequently direct the 3rd respondent to register the Sale Deed Document No.P0153/2015 dated 20.07.2015 and release the same.

For Petitioner : Mr.Kalyanasundaram
for M/s.Aiyar and Dolia
For Respondents : Mrs.P.Rajalakshmi
Government Advocate

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O R D E R

The petitioner being a purchaser of the property, presented the Sale Deed before the 3rd respondent for registration. Conveyance has been made by both the builder and the owner of the property in favour of the petitioner, jointly. However, placing reliance upon the order of the 1st respondent dated 13.09.2011, the document was not registered stating that it is a total sale and therefore, until and unless additional stamp duty is paid, registration cannot be done.

2. As rightly submitted by the counsel for the petitioner, the Circular relied upon by the 3rd respondent has already been set aside by this Court. The same was also confirmed by the Division Bench of this Court. Furthermore, the facts of this case are different. There is no confirming party in the case on hand. The Sale Deed has been executed both by the Builder as well as the Owner of the property. Therefore, there is only one sale. Hence, the order impugned treating the document as two sales at the hands of both the Builder and the landowner, cannot be sustained in the eye of law.

3. Accordingly, the impugned order is set aside. Consequently, the 3rd respondent is directed to register the Sale Deed in favour of the petitioner. However, it is made clear that the petitioner is duty bound to pay the adequate stamp duty by taking into consideration the conveyance as mentioned in the document. Necessary registration and release of documents will have to be made within a period of four weeks from the date of receipt of a copy of this order.

This Writ Petition is allowed with the above direction. No costs. Consequently, connected Miscellaneous Petitions are closed.

aeb

-s/d-
Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To :

1. The Inspector General of Registration and Chief Revenue Authority, Chennai 600 028.
2. The District Registrar (Administration), South Chennai, Saidapet, Chennai 600 015.
3. The Sub Registrar, Alandur, Chennai 600 016.

+ 1 cc to Govt.Pleader SR 4488

+ 1 cc to M/s.Aiyar and Dolia, Advocate SR 4212

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