IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 09.09.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition Nos. 31394 and 31395 of 2016

Adit S.Bafna ... Petitioner in W.P.No.31394 of 2016

Mrs.Manita Mardia ... Petitioner in W.P.No.31395 of 2016

Versus

1.The Inspector General of Registration
No.100 Santhome High Road
Chennai 600 028.

2. District Registrar
Chengalpattu
17 Rajaji Street
Chengalpattu 603 001.

3. District Revenue Officer (Stamps)
Singaravelar Maligai
5th Floor, No.32, Rajaji Salai
Chennai 600 001.

4. The Sub Registrar
Thirukazhukundram
35, Kammala Street,
Thirukazhukundram 603 109 ... Respondents in W.P. Nos. 31394 and 31395 of 2016

W.P.No.31394 of 2016: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the fourth respondent to release the instrument of Sale Deed dated 10.03.2016, registered as Doc. No. 1173 of 2016 on 10.03.2016 in the office of the fourth respondent as duly stamped as per market value guidelines with reference to the agricultural lands measuring about 1 acre and 20.20 cents in S.No.251 from and out of land measuring about 2.7 acres in S.No.251 in Vazhuvadhur Village, Thirukazhukundram Taluk, Kachipuram District for a total consideration of Rs.4,80,800/-.

W.P.No.31395 of 2016: Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the fourth respondent to release the instrument of

Sale Deed dated 10.03.2016, registered as Doc. No. 1174 of 2016 on 10.03.2016 in the office of the fourth respondent as duly stamped as per market value guidelines with reference to the agricultural lands measuring about 39.20 acres in S.No.251/1 from and out of land measuring about 2.7 aces in S.No.251 and 1 acre and 23 cents in S.No.252, in Vazhuvadhur Village, Thirukazhukundram Taluk, Kachipuram District totally measuring about 1 acre and 62.20 cents for a total sale consideration of Rs.6,48,800/-

For Petitioner : Mr.R.Kumar
(in both W.P.'s)

For Respondents : Mr.S.V.Duraisolaimalai
Additional Government Pleader
(in both W.P.'s)

COMMON ORDER

By consent, these Writ Petitions are taken up and disposed of at the stage of admission itself.

2. The learned counsel for the petitioners would contend that the fourth respondent without giving notice and without inspection, suo moto changed the classification of house site and refused to return the sale deed 10.03.2016 to the petitioners. It is the further contention of the counsel for the petitioners that the lands covered in the sale deeds are not housing plot and they are only agricultural lands. According to the learned counsel for the petitioners, the petitioners have also produced the adangal extract which clearly indicates that it is agricultural land. The sale deeds presented by the petitioners were also duly stamped out in accordance with the guide lines value relating to agricultural lands. Therefore, according to the learned counsel for the petitioners, the proposal to send the documents under Section 47-A of Indian Stamp Act, 1899 for determining the correct stamp duty payable on the sale deeds does not arise and it is unwarranted especially when even as per the Sale Deeds the lands were registered only as agricultural lands and the stamp duty was also paid as per the guideline value.

3. The learned Additional Government Pleader appearing for the respondents would contend that as against the impugned order, there is an appellate remedy before the Registrar. The petitioners, without availing such alternative remedy, ought not to have filed the present writ petitions. This Court, under Article 226 of The Constitution of India, cannot adjudicate disputed quesiton of facts as to whether the lands in question are housing plots or agricultural lands, as contended by the

petitioners. In exercise of the powers conferred under Section 47-A of the Indian Stamp Act, the respondents are verifying as to whether correct stamp duty has been paid on the instruments or not and it cannot be faulted with.

4. I heard both sides and perused the materials placed on record. Even as per the averment of the petitioners, the classification of the lands have been changed by the fourth respondent, after an inspection. Of course, it is contended that before such inspection, the petitioners were not given notice. Be that as it may, if the fourth respondent, as a registering authority, entertains a doubt as regards the correctness of the stamp duty paid on an instrument, it is well within his powers to refer such instruments to the higher authorities for determination of the correct stamp duty payable on the instruments. Such a course of action on the part of the fourth respondent cannot be faulted with. Further, as rightly pointed out by the learned Additional Government Pleader, as against the orders, which are impugned in these writ petitions, an appeal remedy is available before the Inspector General of Registraration but without exhausting the same, the petitioners have come up with these writ petitions. It is needless to mention that the petitioners can always putforth their submissions before the competent authority at the relevant time when proceedings relating to correct stamp duty payable on the sale deeds presented by the petitioners are taken up. In such view of the matter, I do not find any reason to interfere with the orders which are impugned in these writ petitions. The Writ Petitions are therefore dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

arr/rsh

To

1.The Inspector General of Registration,
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NO.35 Kammala Street,
Thirukazhukundram

+1 cc to M/s.R.Kumar Advocate sr 51663

WP No.31394 of 2016

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