IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.8852 to 8854 of 2014
and
W.M.P.Nos.14993 to 14995 of 2016

C.Rajendra Raju .. Petitioner in W.P.No.8852 of 2014

C.R.Raju HUF
Represented by Kartha C.Rajendra Babu .. Petitioner in W.P.No.8853 of 2014

C.Shanthi .. Petitioner in W.P.No.8854 of 2014

Vs.

1. The Inspector General of Registration,
   Santhome High Road,
   Chennai-600 004.

2. The District Revenue Officer (Stamps),
   Chennai-600 001.

3. The Sub-Registrar,
   Office of the Sub-Registrar,
   Kodambakkam,
   Chennai-600 024. .. Respondents in all the Writ Petitions

Writ Petition No.8852 of 2014 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to cancel the endorsement made by him on 31.08.2004 in Document No.4068 of 2001 on his file and further not to act on that endorsement.

Writ Petition No.8853 of 2014 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to cancel the endorsement made by him on 31.08.2004 in Document No.2037 of 2002 on his file and further not to act on that endorsement.

Writ Petition No.8854 of 2014 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the third respondent to cancel the endorsement made by him on 31.08.2004 in Document No.2036 of 2002 on his file and further not to act on that endorsement.

For petitioners : Mr.S.Balasubramanian
For respondents : Mr.Akhil Akbar Ali, Govt. Advocate

ORDER

The petitioners have come forward with these Writ Petitions praying for issuance of Writs of Mandamus to direct the third respondent to cancel the endorsements made by him on 31.08.2004 in the respective documents on his file and further not to act on those endorsement(s).

2. The petitioners submitted that the sale deeds were registered and as there is deficiency in stamp duty, a reference was made under Section 47-A of the Indian Stamp Act and after adjudication, the contention of the petitioners with regard to the payment of stamp duty, was accepted and the same had been communicated to the other respondents including the third respondent-Sub-Registrar, Kodambakkam, who has registered the documents initially and based on the communication of the second respondent, the matter was referred to under Section 47-A of the said Act. In view of the pendency of the proceedings under Section 47-A of the Act, there were endorsements made on the sale deeds by the third respondent, which has got to be cancelled in the light of the order passed by the first respondent. But unfortunately, the request of the petitioners for cancelling the said endorsements, had been turned down and the petitioners have come forward with the present prayers saying that the endorsements made on the documents have got to be removed.

3. The third respondent has filed counter affidavit and the relevant paragraph 7 is extracted hereunder:

> 7. It is submitted that the provisions contained in Registration Rule 116, enables registering officer to add an entry relating to cancellation of any note, only after registration of a document, which revokes, or cancels or rectifies an error in or modifies the terms of a document previously registered. Hence, in the absence of such parallel enabling provision made available in the Registration Act, 1908, this respondent could not comply with the request of the petitioner to annul the endorsement already made. However, it is humbly submitted that any order to be passed by this Court will be scrupulously adhered by this respondent."

4. The power conferred under Rule 116 of the Registration Rules is not only to add an entry, but also empowers the authority to eschew the entry, if any orders are passed by the superior authority. The power granted under the said Rule is not only the power to make an endorsement, but also to take away the endorsement if held to be wrong or bad. Since the respondents have stated in the counter that if any order is passed by this Court, they are willing to adhere the same and correct the note/endorsement.

5. In the light of the above facts and submissions made by either side and in the light of the averments made in the counter, as extracted supra, the respondents are directed to remove the note/endorsement on the documents in question. This Court expects that there should be a Circular issued by the first respondent-Inspector General of Registration to all the Sub-Registrars to cancel the note/endorsements on the documents, based on the final orders that are passed under Section 47-A of the Indian Stamp Act.

6. With the above observations and direction, the Writ Petitions are disposed of. No costs. W.M.Ps. are closed.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

cs

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai-600 004.

2. The District Revenue Officer (Stamps),
Chennai-600 001.

3. The Sub-Registrar,
Office of the Sub-Registrar,
Kodambakkam,
Chennai-600 024.

+3cc to Mr.S.Balasubramanian, Advocate, SR.NO..68696 (23/10/17)
+1cc to Government Pleader, SR.NO..69903

W.P.Nos.8852 to 8854 of 2014

CS/20/10/17