

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.03.2017

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.5871/2017

M.L.Dhandapani

..Petitioner

Versus

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Santhome, Chennai.

2.The District Registrar
District Registrar Office
Tiruppur.

3.The Sub Registrar
Sub Registrar Office, Mulanoor.

4.The District Revenue Officer
Stamps, District Collectorate Office
Coimbatore 641018.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 3rd respondent to return Sale Deed dated 06.10.2016 made in Document No.1589/2016 on the file of the 3rd respondent office in view of the petitioner's representation dated 03.11.2016.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.A.N.Thambidurai, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.A.N.Thambidurai, learned Additional Government Pleader accepts notice on behalf of the respondents.

2 The petitioner claims to have purchased landed properties admeasuring to an extent of 2.80 acres in

S.F.Nos.215/6, 259/1 situate at Peramiyam Village, through a registered Sale Deed bearing Doc.No.1589/2016 dated 06.10.2016 from Mr.V.P.Periyasamy. The petitioner had also purchased lands in SF.NO.215/6 in the very same village through a registered Sale Deed bearing Doc.No.861/2010 dated 17.02.2010 and presented both the documents for registration before the 3rd respondent after complying with all formalities. Subsequently, a query was raised with regard to the mortgage and it was also discharged and cancelled on 06.10.2016 vide registered Doc.No.1588/2016.

3 The petitioner would further aver that the 3rd respondent, on the strength of the value stated in the Mortgage Deed dated 21.04.2015, arrived at an erroneous decision that the documents are undervalued and the 4th respondent had issued summons calling upon the explanation of the petitioner and it was also submitted and despite the said fact, the 3rd respondent is not returning the document No.1589/2016 and therefore, the petitioner came forward to file the present writ petition.

4 The learned counsel for the petitioner would submit that in the light of the judgments reported in 1998 [3] CTC 366 [M.Krishnan Vs. The District Collector, Erode District] ; 2002 [3] CTC 544 [B.Rajappa V. The Special Deputy Collector [Stamps]] ; and 2003 [4] LW 193 [S.R.Sengotuvelu, Servampatti V. The District Collector, Namakkal], when an instrument is presented for registration, the Sub Registrar, must prima facie come to a conclusion as to whether the property is properly valued or not. If the Sub Registrar, prima facie satisfies that the property is under valued, he must record the reasons and refer to the Collector under section 47-A of the Indian Stamp Act..... and when the Sub Registrar, registers a document, he has no power to retain the same after registration and if the instrument is referred to Collector u/s.47-A of the Indian Stamp Act, the Sub Registrar can make an endorsement in the instrument that proceedings u/s.47-A of the Indian Stamp Act is pending and release the document to the party so as to safeguard the interest of the revenue.

5 In the light of the ratio laid down in the above cited decisions, this Court directs the 3rd respondent to provide an opportunity of personal hearing to the petitioner and thereafter, consider and dispose of the petitioner's representations dated 03.11.2016 and 14.11.2016 respectively on merits and in accordance with law and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Inspector General of Registration
O/o.The Inspector General of Registration
Santhome, Chennai.

2.The District Registrar
District Registrar Office,
Tiruppur.

3.The Sub Registrar
Sub Registrar Office, Mulanoor.

4.The District Revenue Officer
Stamps, District Collectorate Office
Coimbatore 641018.

+1cc to Mr.M. Guruprasad, Advocate Sr. 16796/17
+1cc to Government Pleader High Court, Madras 17037/17

W.P.No.5871/2017

VGII (CO)
VR(21/03/2017)

सत्यमेव जयते

WEB COPY