

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR

W.P.No.36675 of 2016

and WMP No.31528 of 2016

E.Keerthi Nathan

... PETITIONER

Vs

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

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Sub Registrar Joint - IV,
Kancheepuram,
Kancheepuram District.

... RESPONDENTS

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus calling for records of the 3rd respondent in issuance of the impugned order dated 21.07.2016 with regard to the petitioner's sale deed dated 21.07.2016 and quash the same and further issue an appropriate direction directing the 3rd respondent to register the sale deed dated 21.07.2016 and thereby return the sale deed dated 21.07.2016 to the petitioner after registering the same.

For Petitioner : Mr.P.Ravi Shankar Rao

For Respondents: Mr.S.Gunasekaran, AGP

O R D E R

Mr.Ravi Shankar Rao, learned counsel is present on behalf of the writ petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader is present on behalf of all the three respondents in the writ petition.

2. By consent of the learned counsel for the writ petitioner and the learned Additional Government Pleader, the main writ petition itself is taken up for disposal, as the entire matter turns on a very narrow and short compass.

3. The main writ petition has been filed assailing the order dated 21.07.2017 made by the registering authority namely Sub Registrar Joint - IV, Kancheepuram, Kancheepuram District (3rd respondent in the main writ petition).

4. In and by the impugned order, the 3rd respondent has refused to register a document namely a sale deed that was presented by the writ petitioner before the 3rd respondent for registration. The only ground in the impugned order is that the writ petitioner had presented another sale deed earlier being Doc.No.2714 of 2016 and that the same was referred for adjudication under Section 47A of the Indian Stamps Act, as applicable in Tamil Nadu (hereinafter referred as 'said Act')

5. The short point that the writ petition raises is that the 3rd respondent registering authority does not have power or any authority to refuse registration in the event of under valuation much less on the ground that an earlier sale deed presented by the same person was referred under Section 47A.

6. The grounds on which the registering authority can refuse registration are well set out in other provisions of the said Act. It is nobody's case that this document falls under any of those categories.

7. The limited submission which the writ petitioner would make is that if the document is referred to the District Collector (2nd respondent in the instant writ petition) for adjudication regarding valuation, he will participate in the adjudication and take up the matter further. That in fact is the scope and scheme of Section 47A of the said Act.

8. Owing to the discussion supra, the following order is passed :

(i) The impugned order dated 21.07.2016 made by the 3rd respondent bearing no reference is set aside.

(ii) The 3rd respondent is directed to register the document being a sale deed dated 21.07.2016 that was presented on 21.07.2016 by the writ petitioner, within a period of two weeks from the date of receipt of a copy of this order.

(iii) If the 3rd respondent is of the opinion that the property that is the subject matter of the above said sale deed dated 21.07.2016 is under valued, he shall refer the same to the 2nd respondent herein.

(iv) On receipt of the registered document, the 2nd respondent shall adjudicate upon the same, in accordance with the provisions and parameters set out in the said Act, within a period of three months from the date of receipt of the registered documents.

(v) If the 2nd respondent wants to delegate such adjudication to any other authority (if the same has been duly provided for under the Statute or the Rules), it is open to him to do so.

The main writ petition is disposed of in the above terms. Parties are left to bear their respective costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rgr

To

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

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Sub Registrar Joint - IV,
Kancheepuram,
Kancheepuram District.

+1 cc to Mr.R.Chithiraputhiran Advocate sr 11707

W.P.No.36675 of 2016

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