

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.38065 of 2004

K.S.Nachimuthu

... Petitioner

vs.

1. The Inspector General of Registration,
120, Santhome High Road,
Chennai - 28.

2. The Sub-Registrar,
Komarapalayam,
Namakkal District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to release the petitioner's original Partition Deed dated 26.02.1998 registered as Document No.3002 of 1998 on the file of the 2nd respondent forthwith, as per the provisions of the Indian Stamp Act, r/w the Tamil Nadu Stamp Act (Prevention of Under Valuation of Instruments) Rules.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

सत्यमेव जयते
O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondents to release his original Partition Deed dated 26.02.1998 registered as Document No.3002 of 1998 on the file of the 2nd respondent forthwith, as per the provisions of the Indian Stamp Act, r/w the Tamil Nadu Stamp Act (Prevention of Under Valuation of Instruments) Rules.

2. Heard the learned counsel on either side and perused the material documents available on record.

3. In paragraph 2 of the counter filed by the respondents,

it is stated that a Deed of Partition dated 26.02.1998 was entered into between the petitioner and his brother and sister as one party and the legal heirs of Late. Palaniappan as another party, dividing their common property and the same was presented for registration on 26.12.1998. The properties have been valued as that of agricultural land and the guideline value was found to be at Rs.117/- per sq. ft. as a house site. Hence, the 2nd respondent wrote a letter to the District Registrar, Namakkal as to whether agricultural land value could be adopted for the properties or guideline value of Rs.117/- is to be adopted for the purpose of levy of stamp duty. Thereafter, the District Registrar, Namakkal informed the 2nd respondent that the lands covered under the partition are not agricultural lands, but house sites. Hence, the document was registered as Doc.No.3002/1998 and the matter was referred under Standing Order No.744 for determination of fair value, as Deed of Partition is not covered under Section 47-A of the Act. Accordingly, the District Registrar, Namakkal determined the fair value at Rs.34,94,322/- against the value of Rs.75,000/- adopted by the parties and demanded the payment of Rs.1,71,975/- as difference in Stamp duty and registration fees. Pursuant thereto, one P.Kandasamy, a party to the said Partition Deed has paid the difference in stamp duty and registration fee, aggregating to Rs.1,71,979/- and on such payment, necessary Certificate for payment was made on the document and the document was also released to the parties. Thus, according to the respondents, the Writ Petition has become infructuous.

4. In view of the statements made by the respondents in the counter affidavit, nothing further survives for consideration in this Writ Petition. Accordingly, the Writ Petition is dismissed as having become infructuous. No costs. Consequently, connected W.P.M.P.No.45594 of 2004 is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

aeb

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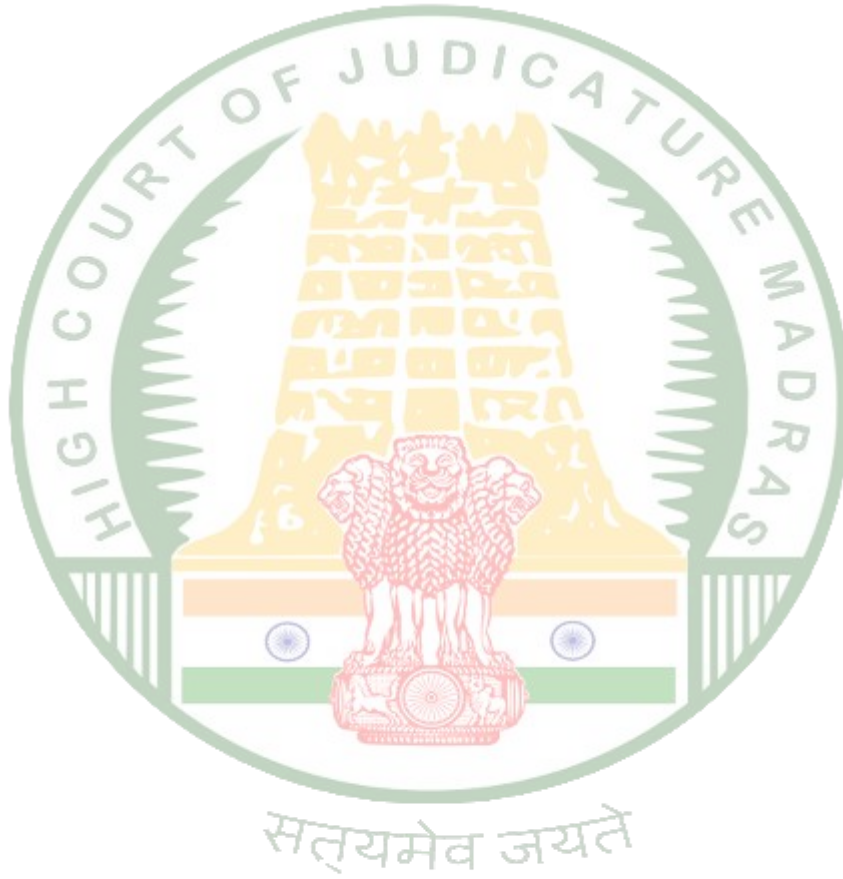
1. The Inspector General of Registration,
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2. The Sub-Registrar,
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+1cc to the Government Pleader SR.No.48646

W.P.No.38065 of 2004

GJII(CO)
GN(08/08/2017)



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