

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.34163 of 2017

Valli

... Petitioner

vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The Deputy Inspector General of Registration,
Rajaji Salai,
Chennai.
3. The District Revenue Officer (Stamps)
Office of the District Collector,
Rajaji Salai,
Chennai.
4. The District Registrar,
Saidapet,
Chennai.
5. The Sub-Registrar,
Pallavaram,
Chennai.

... Respondents

W.P.No.20/2018 is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to receive the sale deed dated 12.12.2017 in favour of the petitioner and register the same in accordance with Section 26 of the Indian Stamp Act and thereby to release the same to the petitioner in respect of the property covered in patta No.17, S.No.1032, GLRS 388/233 out of 3 acres 93 cents and classified as B2 land by the Chief Executive Officer in the office of the Cantonment Board, St.Thomas Mount, Chennai -16 out of 10705 sq.ft. - 2201 sq.ft. within the boundaries.

For Petitioner : Mr.N.Suresh

For Respondents : Mr.R.Govindasamy,
Special Government Pleader

O R D E R

Mr.R.Govindasamy, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal.

2. The petitioner seeks for a mandamus directing the respondents to receive the sale deed dated 12.12.2017 and register the same in accordance with Section 26 of the Indian Stamp Act and thereby to release the same to the petitioner in respect of the property covered in patta No.17, S.No.1032, GLRS 388/233 out of 3 acres 93 cents and classified as B2 land by the Chief Executive Officer in the office of the Cantonment Board, St.Thomas Mount, Chennai -16 out of 10705 sq.ft. - 2201 sq.ft. within the boundaries.

3. Heard both sides.

4. The petitioner presented the sale deed dated 12.12.2017 before the 5th respondent for registration. However, the 5th respondent issued a Check Slip 11/2017 stating that the value of the subject matter land sought to be registered is not available in the guideline value prescribed in the Register maintained by the Department. Therefore, the 5th respondent directed the petitioner to approach the 4th respondent, namely District Registrar, Saidapet, and get the value of the property fixed for the purpose of registering the same thereafter.

5. Mr.N.Suresh, the learned counsel appearing for the petitioner pointed out that if the value of the property is unascertainable, Section 26 of the Indian Stamp Act, 1899, contemplates the procedure to be followed for fixing the stamp duty in respect of those properties and therefore, the Registering Authority ought to have exercised the power under Section 26 and fixed the stamp duty payable for registering the document.

6. From the check slip issued by the 5th respondent, it is seen that the guideline value of the subject matter property sought to be registered is not readily available with the 5th respondent and consequently, the competent authority has to fix the guideline value for the said property. Therefore, it is for the petitioner to approach the 3rd respondent by making the appropriate application/ representation seeking for fixing the guideline value for the said property and thereafter, to approach the 5th respondent for registering the document. Accordingly, the writ petition is disposed of by directing the petitioner to approach the 3rd respondent and make appropriate application seeking for fixing the guideline value for the subject matter property. Such application shall be filed by the petitioner within a period of two weeks from the date of receipt

of a copy of this order. On receipt of such application, the 3rd respondent shall consider and pass orders on the same on merits and in accordance with law within a period of four weeks thereafter. After receiving the order from the 3rd respondent, it is open to the petitioner to approach the 5th respondent and present the document for registration by paying the required stamp duty.

7. With the above direction and observation, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The Deputy Inspector General of Registration,
Rajaji Salai,
Chennai.
3. The District Revenue Officer (Stamps)
Office of the District Collector,
Rajaji Salai,
Chennai.
4. The District Registrar,
Saidapet,
Chennai.
5. The Sub-Registrar,
Pallavaram,
Chennai.

+1cc to Mr.N.Suresh, Advocate, S.R.No.266

+1cc to the Government Pleader, S.R.No.648

W.P.No.34163 of 2017

RRK(05/01/2018)