

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018
CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.Nos.15186 to 15188 of 2018

T.Pandiaraj ... Petitioner in all W.Ps.
Vs.

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Thanjavur.
- 3.The District Registrar,
Nagapattinam District, Nagapattinam.
- 4.The Sub Registrar,
Mannargudi, Tiruvarur District. Respondents in all W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 4th respondent to register the documents bearing Temporary Document Nos.TP/1962969/ 2018, TP/1964722/2018 and TP/1967482/2018 and Token Nos.8, 9 & 7 presented on 08.03.2018 under Section 47A of the Indian Stamp Act and thereafter proceed in accordance with law.

For Petitioner : Mr.K.Soundararajan
(in all W.Ps.)

For Respondents: Mr.T.M.Pappiah,
(in all W.Ps.) Special Government Pleader

C O M M O N O R D E R

These Writ Petitions have been filed seeking for issuance of Writ of Mandamus directing the 4th respondent to register the documents bearing Temporary Document Nos.TP/1962969/ 2018, TP/1964722/2018 and TP/1967482/2018 and Token Nos.8, 9 & 7 respectively presented on 08.03.2018 under Section 47A of the Indian Stamp Act and thereafter proceed in accordance with law.

2.The petitioner purchased lands measuring an extent of 9709 sq.ft., 800 sq.ft., on the Southern side of the total extent of 13709 sq.ft., and 3200 sq.ft., in the Southwest of the total extent of 13709 sq.ft., along with a dilapidated mud house in T.S.No.2143/2, 150 Feet North on the Northern side of the

Haridranathi North Bund Street, in Ward No.1, Block No.36, Mannargudi Town, Tiruvarur District situated within the Mannargudi Sub Registration District and Nagapattinam Registration District for a valuable consideration.

3.The petitioner had sent the documents for approval through online on 08.03.2018 and the 4th respondent had allotted Temporary Document Nos.TP/1962969/ 2018, TP/1964722/2018 and TP/1967482/2018 and Token Nos.8, 9 & 7 respectively. But later the 4th respondent had informed that the guideline value of the properties in the Register maintained by them is more than the sale value noted in the documents. Citing this reason, the 4th respondent had refused to register the document.

4.The grievance of the petitioner is that he had paid stamp duty on the basis of the guidelines given in the website, but even if the 4th respondent is of the view that the stamp duty paid on the instrument is less than the guideline value, the only legal option he has is to register the documents and then send it to the Deputy Collector (Stamps) under Section 47 (A) (1) of the Indian Stamp Act, which he has not done. This shows the failure on the part of the 4th respondent in discharging his statutory duty.

5.At this stage, the learned Special Government Pleader appearing for the respondents submitted that the petitioner is perfectly right in asking for the registration of the documents and in case the stamp duty paid by the petitioner on the instrument is less than the guideline value, the 4th respondent could have referred under Section 47 (A) (1) of the Indian Stamp Act.

6.Placing on record the submissions, this Court hereby directs the 4th respondent viz., Sub Registrar, Mannargudi, to register the documents and in case, if he is of the view that the stamp duty paid by the petitioner is less, he could refer the documents under Section 47 (A) (1) of the Act. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

7.With these directions, the Writ Petitions are disposed of. No costs.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

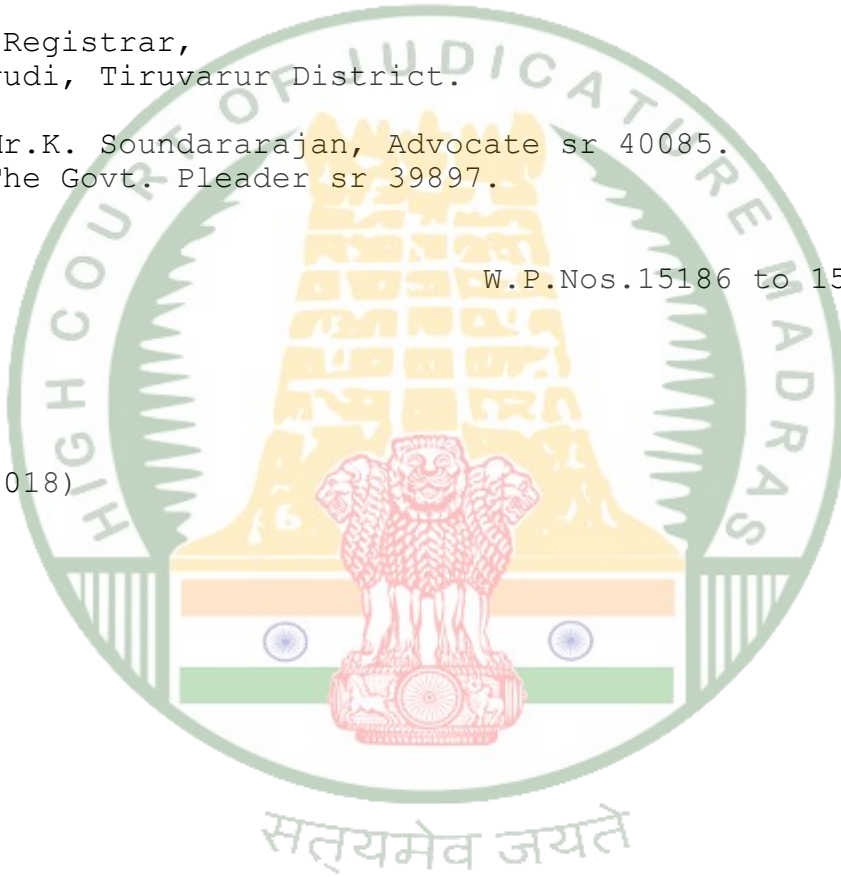
va

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
 - 2.The Deputy Inspector General of Registration,
Thanjavur.
 - 3.The District Registrar,
Nagapattinam District, Nagapattinam.
 - 4.The Sub Registrar,
Mannargudi, Tiruvarur District.
- +1 CC to Mr.K. Soundararajan, Advocate sr 40085.
+1 CC to The Govt. Pleader sr 39897.

W.P.Nos.15186 to 15188 of 2018

KGK(CO)
SP(05/07/2018)



WEB COPY