

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.01.2020

CORAM :

The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD

W.A No.3905 of 2019

and

C.M.P.No.24553 of 2019

1. The State of Tamil Nadu,
rep by its Secretary to Government,
Commercial Taxes and Religious
Endowment Department, Fort St. George,
Chennai - 9.
2. The Inspector General of Registration,
Registration Department,
No.20, Santhome High Road,
Santhome, Chennai - 28.
3. The Sub Registrar,
Registration Department,
Chengalpattu - 603 002.

.. Appellants/Respondents 1, 4 & 5 in WP

-vs-

1. Y.RM. Singaram
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buildings,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 8.
3. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buildings,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 8.

.. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 20.12.2002 passed in W.P.No.12738 of 2002 on the file of this Court.

WP. 12738 of 2002: Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus or any other appropriate Writ, Order or direction directing the respondents 2 & 3 to execute the sale deed on the Stamp duty paid on the actual consideration received by them and direct the 5th respondent to register the same without levying and demanding stamp duty based on the guideline value in respect of house allotted to the petitioner.

For Appellants : Mr.T.M. Pappiah
Spl.G.P. (Registration)

JUDGMENT

(Order of the Court was made by Subramonium Prasad,J.,)

In view of the judgment dated 13.09.2002 passed by this Court in W.P.No.15275 of 2001 (Maraimalai Nagar Welfare Association vs. State of Tamil Nadu and Others), holding that registration dates back to the date of sale and merely because there is subsequent increase in the market value due to passage of time, it cannot be assumed that the Statutory authority such as C.M.D.A., had deliberately undervalued the consideration and in view of the fact that the said judgment has been accepted by the State Government, we do not find any infirmity in the impugned judgment, which has also relied on the same and has allowed the writ petition directing the authority to execute the sale deed in favour of the appellant/writ petitioner on the basis of the value on the date when the agreement has been entered into.

The Writ Appeal is, accordingly, dismissed. No costs. Consequently, C.M.P.No.24553 of 2019 is also dismissed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buildings,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 8.

2. The Chief Executive Officer,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Buildings,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 8.

3. The Secretary to Govt. of Tamil Nadu,
Commercial Taxes and Religious
Endowment Department,
Fort St. George, Chennai - 9.

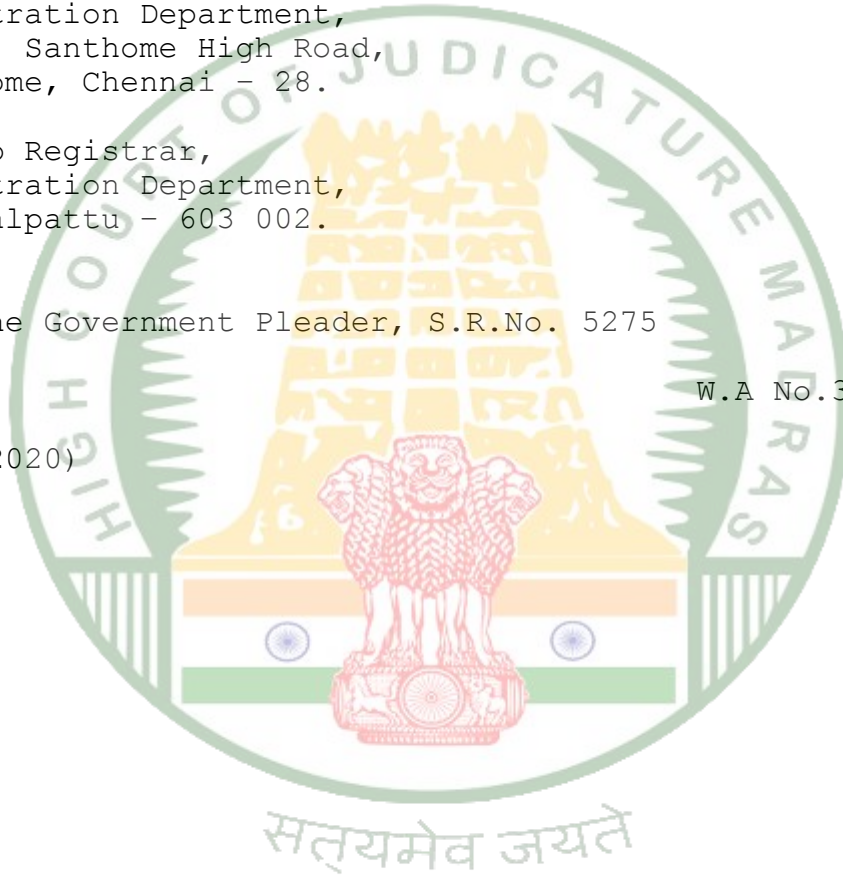
4. The Inspector General of Registration,
Registration Department,
No.20, Santhome High Road,
Santhome, Chennai - 28.

5. The Sub Registrar,
Registration Department,
Chengalpattu - 603 002.

+1cc to the Government Pleader, S.R.No. 5275

W.A No.3905 of 2019

VG II(CO)
GN(11/02/2020)



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