

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.6795 of 2021
and WMP.No.7353 of 2021

Rami

... Petitioner

Vs

1.The Sub Registrar
Office of the Sub Registrar
Barur
Krishnagiri.

2.K.Chinnasamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned refusal order in RLF/BARUR/2/2021 of the first respondent dated 05.03.2021 and quash the same and consequently to direct the first respondent to register the petitioner's sale deed dated 05.03.2020 and release the same within time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Ilayaperumal

For Respondents: Mr.T.M.Pappiah
Special Government Pleader for R1

ORDER

The petitioner now challenges the refusal slip raised by the first respondent, when she presented a sale deed dated 05.03.2020 executed in her favour by one Arunachalam.

2. The brief facts are that :

- A property measuring totally 110 hectares in S.Nos.70/4, 68/8, 68/5, 69/4, 69/6 of Pannandur Village, Pochampalli Taluk, Krishnagiri District originally belonged to one Girija, from whom Arunachalam purchased the property on

02.02.2021, which came to be registered as document No.167/2021 on the records of the first respondents.

- On 05.03.2021, the petitioner purchased the said property from Arunachalam, and when the said document was presented for registration, the first respondent raised a check slip on the ground that the petitioner's vendor's (Arunachalam) sale deed dated 02.02.2021 itself is under scrutiny for a possible deficit stamp duty. This is now under challenge.

3. Mr.T.M.Pappiah, learned Special Government Pleader submitted that the sale deed in petitioner's favour was executed in about a month's time since the registration of the sale deed of the petitioner's vendor and even before the registering authority ascertaining the under-valuation of the said property, the sale deed in favour of the petitioner has been executed.

4. The learned counsel for the petitioner submits that if any deficit stamp duty, which the first respondent contends as due to the Government in document No.167/2021 executed in favour of the petitioner's vendor Arunachalam is there, the petitioner herself would pay the same under protest, to enable her to have the sale deed dated 05.03.2021 registered, and that her vendor will contest his right to correct the valuation separately.

5. Even though the liability to pay any deficit stamp duty is on the petitioner's vendor Arunachalam, and inasmuch the petitioner has undertaken to pay the same though under protest, the Sub Registrar concerned has to necessarily consider that.

6. The writ petition is accordingly disposed of in the manner indicated below :

- (a) the first respondent is directed to specify the stamp duty which may have to be paid under document No.167/2021, within a period of four weeks from the date of receipt of a copy of this order, to the petitioner.
- (b) Upon receiving the said intimation, the petitioner is required to make such payment either admitting the liability, or under protest as the case may be, within a period of four weeks thereafter.
- (c) If the first respondent found any liability towards payment of deficit stamp duty as mentioned in (a) above and if the petitioner comply with such payment in terms of (b) above, the first respondent shall forthwith register the document subject to such necessary enquiry, which he may have to conduct under Section 34 of the Registration Act.

(d) If the petitioner pays any perceived deficit stamp duty as indicated in (b) above under protest, she will be at liberty to agitate the same in the manner known to law.

No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

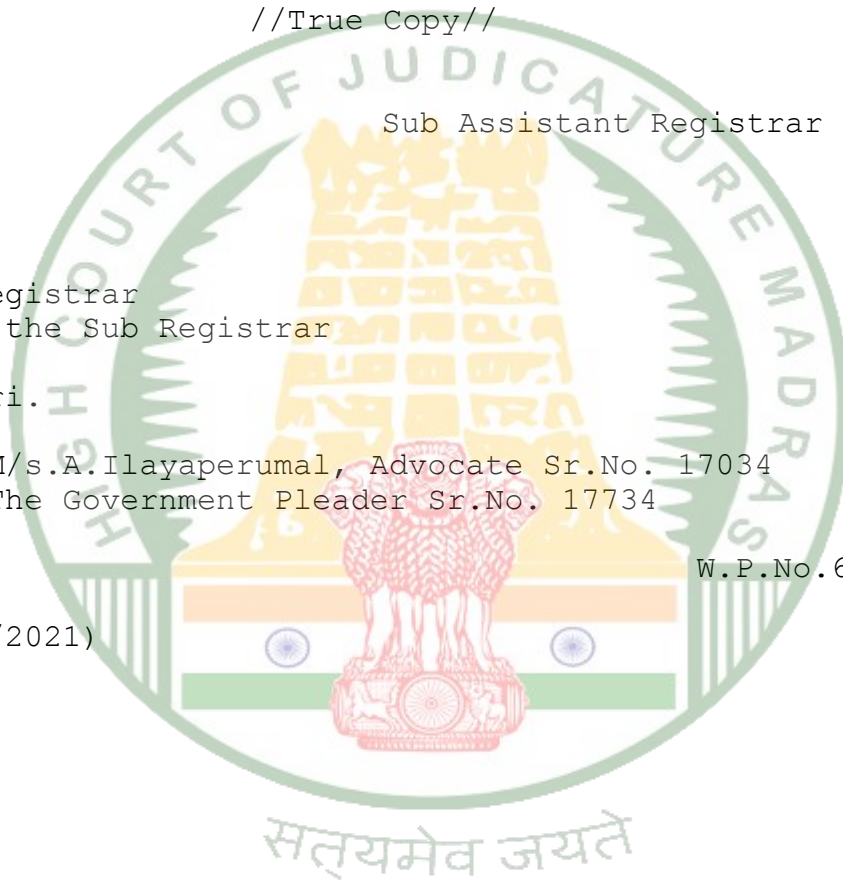
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To:
The Sub Registrar
Office of the Sub Registrar
Barur
Krishnagiri.

+1 cc to M/s.A.Ilayaperumal, Advocate Sr.No. 17034
+1 cc to The Government Pleader Sr.No. 17734

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SV(CO)
RMP(17/04/2021)



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