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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.22323 OF 2021
AND W.M.P.NO.23555 OF 2021

S.Dhanalakshmi

... Petitioner

-Vs-

1. The Inspector General of Registration (I.G.R),
Santhome High Road, Mylapore,
Chennai - 600 002.
2. The Deputy Inspector General of Registration (D.I.G),
Vellore, Vellore-"District",
3. The District Registrar (D.R),
The Office of the District Registrar,
Cheyyar Registration District,
Cheyyar, Tirivannamalai- "District".
4. The Sub-Registrar,
The Office of the Registrar,
Arani, Tiruvannamalai- "District".
5. The Tashildar,
Arani Taluk,
Tiruvannamalai-"District".

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the fourth respondent herein to "Register" the properties in S.No.178/1 to an extent of 1 Acres and 0.05 cents and in S.No.177/3 to an extent of 2 Acres and 0.97 cents in toto to an extent of 4 Acres and 0.02 cents, situated in Vadugasathu-"Village", Arani- "Taluk", Tiruvannamalai- "District" on the name of petitioner herein as per the guide line value of the property prevailing in the year 2008 which is the subject matter



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in E.P.No.2 of 2010 in O.S.No.38 of 2008 on the file of Hon'ble Sub Court, Arani, Tiruvannamalai-"District".

For Petitioner : Mr.A.Vimal Raj

For R1 to R4 : Mr.Yogesh Kannadasan
Special Government Pleader

For R5 : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the fourth respondent herein to "Register" the properties in S.No.178/1 to an extent of 1 Acres and 0.05 cents and in S.No.177/3 to an extent of 2 Acres and 0.97 cents in toto to an extent of 4 Acres and 0.02 cents, situated in Vadugasathu- "Village", Arani- "Taluk", Tiruvannamalai- "District" on the name of petitioner herein as per the guide line value of the property prevailing in the year 2008 which is the subject matter in E.P.No.2 of 2010 in O.S.No.38 of 2008 on the file of Hon'ble Sub Court, Arani, Tiruvannamalai-"District".

2. Heard Mr.A.Vimal Raj, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the fifth respondent.

3. The petitioner entered into an agreement for sale with P.Venkatesan and P.Mani to purchase the property comprised in Survey No.178/1 to an extent of 1 acre 0.05 cents and the property comprised in Survey No.177/3 to an extent of 2 acres 0.99 cents by the agreement, dated 22.02.2008. However, the petitioner's vendor had not come forward to execute the sale deed and as such the petitioner was constrained to file a suit for specific performance in O.S.No.38 of 2008 on the file of the Sub Court, Arani, Tiruvannamalai District. Thereafter, the suit was decreed by the Judgment and Decree, dated 25.06.2009. In pursuant to the decree, the petitioner filed an execution petition in E.P.No.02 of 2010 to get registration of the properties. When the petitioner is always ready and willing to pay the registration fees along with requisite stamp duty in accordance with the guideline value of the properties in the year 2008. The fourth respondent was not inclined to register the same.



4. In spite of the letter issued by the learned Sub Judge, Arani, dated 22.11.2013, the fourth respondent did not consider the same and by a letter dated 25.11.2013 informed to the learned Sub Judge, Arani, since the subject properties are house plots, the value of the subject land could be at Rs.70/- per sq.ft. Accordingly, the value of the property had been fixed at Rs.1,22,98,365/-, the stamp duty at the rate of 7% at Rs.8,60,888/- and the registration fees at Rs.1,23,165/-. A perusal of the guideline value for the subject land is mentioned as agriculture and fixed rate at Rs.15,800/- per acre. However, no sale deed was presented was registration.

5. Considering the above, the petitioner is directed to present the sale deed for registration before the fourth respondent and on receipt of the same the fourth respondent is directed to consider the above observations and pass order either to register the same or to reject the same.

6. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector General of Registration (I.G.R),
Santhome High Road, Mylapore,
Chennai - 600 002.
2. The Deputy Inspector General of Registration (D.I.G),
Vellore, Vellore-"District",
3. The District Registrar (D.R),
The Office of the District Registrar,
Cheyyar Registration District,
Cheyyar, Tiruvannamalai- "District".
4. The Sub-Registrar,
The Office of the Registrar,
Arani, Tiruvannamalai- "District".



5. The Tashildar,
Arani Taluk,
Tiruvannamalai-"District".

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+1cc to the Government Pleader, S.R.No.69541,69797

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and W.M.P.No.23555 of 2021

SPD (CO)
PM/20/01/2022