IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.33095 of 2019

Rajendra Kumar ...Petitioner

-Vs-

1.The Inspector General of
Registration,
100, Santhome High Road,
Chennai - 600 028.

2.The Sub Registrar,
Office of Sub Registrar Office,
Thiruporur,
Kancheepuram District. ...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating the impugned order dated 23.09.2019 issued by the 2nd respondent, and quash the same and consequently direct the 2nd respondent to register and release the pending Rectification Deed dated 17.09.2019 in Pending Document No.P.232 of 2019 to the Petitioner.

For Petitioner : Mr.Srenik S Jain

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

ORDER

The petitioner has purchased a property Vide sale deed No.398/1997 on the records of the second respondent. The property purported to be dealt with under the said sale deed are stated to be comprised in Sy.No.3/2C and 2/2 of Pattipulam Village, Chengalpattu District.

2.Subsequently, when the petitioner approached the Revenue Authorities for mutation of revenue records, it has come to light that the survey numbers as stated in the aforesaid sale deed is wrongly stated and accordingly, on 17.09.2019 he entered into a rectification deed with his vendor joining the same. As per the rectification deed, the relevant survey number in which the property covered by the sale deed no.398/1997 is Sy.No.2/3A. When this rectification deed was produced for registration before the second respondent, he impounded the same since the document was insufficiently stamped.

3.In the counter filed by the second respondent, it is essentially prayed that since by virtue of the rectification deed new right is created over the property covered under Sy.No.2/3A, the stamp duty has to be paid all over again for this property. Since the document was insufficiently stamped, it was so impounded.

4.Heard Mr.Srenik S.Jain, the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader for the respondents.

5.The Survey Number is but one of the identification factor to identify the land and title is neither credited nor divested by mentioning a Survey Number. See: G.Ramanujam Vs. State of Tamilnadu [2021 (1) LW 325] The only aspect however, to be considered is whether the sale deed is properly valued, if the property covered under it is Sy.No.2/3A as on the date of its registration in 1997.

6.This Court therefore, directs the second respondent to register the rectification deed dated 17.09.2019 within a period of eight (8) weeks from the date of receipt of a copy of this order, but, after ascertaining if the stamp duty as has been paid on the sale deed no.398/1997 is adequate to cover the property covered in Sy.No.2/3A, as on the date of its registration. However, if the stamp duty as payable for Sy.No.2/3A as on the date of the sale deed dated 11.03.1997 is more than what has been paid already, then, the Sub Registrar is entitled to collect such deficit stamp duty as can be collected for the property in Sy.No.2/3A as on the date of registration of the sale deed in 1997.

7.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Tsg

To

1.The Inspector General of
Registration,
100, Santhome High Road,
Chennai - 600 028.

2.The Sub Registrar,
Office of Sub Registrar Office,
Thiruporur,
Kancheepuram District.

+1cc to the Government Pleader Sr.6653

W.P.No.33095 of 2019

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