



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.944 of 2022

N.Sekar

... Petitioner

-Vs-

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
2. The District Revenue Officer (Stamps),
5th Floor, Collectorate Buildings,
Singaravelan Maligai,
Rajaji Salai, Chennai - 600 001.
3. The Sub Registrar of Assurances,
(In the cadre of District Registrar),
Anna Nagar, Chennai - 600 040.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to comply with the orders passed by the second respondent in Mu.Mu.No.1728/2020 dated 06.10.2021 and consequently to release the Rectification Deed dated 30.07.2020 (vide Doc.No. P83/2020, Doc.No.3862/2020) to the petitioner within the time fixed by this Hon'ble Court.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the third respondent to comply with the orders passed by the second respondent in Mu.Mu.No.1728/2020 dated 06.10.2021 and consequently to release the Rectification Deed dated 30.07.2020 (vide Doc.No. P83/2020, Doc.No.3862/2020) to the petitioner within the time fixed by this Hon'ble Court.



2. Heard Mr.K.Premkumar, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The petitioner owned property bearing New Door No.177/180, Old Door No.72/B, Kuppusamy Street, Ayanavaram, Chennai - 600 023, ad-measuring 1740 sq.ft along with built up area ad-measuring 580 sq.ft comprised in Pymash No.21, Block No.9, T.S.No.77/4 (Part), under Patta No.359/97-98, purchased by the petitioner by the registered sale deed, dated 02.03.2017 registered vide Document No.802 of 2017. The third respondent inspected the subject property and directed the petitioner to pay additional stamp duty and registration charges. Accordingly, the petitioner paid the deficit stamp duty on 02.03.2017.

4. In pursuant to the sale deed, the petitioner applied for patta before the Tahsildar, Ayanavaram and during the inspection of the subject property, it was noticed that the boundaries to the subject property has not been properly described in the sale deed, dated 02.03.2017. Therefore, the petitioner approached his vendor and his vendor executed a Rectification Deed, dated 30.07.2020 to correct the boundaries in the sale deed, dated 02.03.2017. It was presented for registration and however the third respondent refused to register the same. The third respondent issued notice dated 16.09.2020 and the same was challenged before this Court in W.P.No.16603 of 2020 and by an order dated 13.07.2021, this Court directed the second respondent to conduct an enquiry and pass suitable orders within a period of twelve weeks under Section 47 - A of the Indian Stamp Act.

5. As directed by this Court, the second respondent passed final order dated 06.10.2021 holding that there is no undervaluation in the Rectification Deed, dated 30.07.2020 and proper stamp duty was already paid for the building and the land while registering the sale deed, dated 02.03.2017. Even then the third respondent failed to register the rectification deed, dated 30.07.2020. Therefore, the petitioner made a representation to the third respondent to comply with the order passed by the second respondent.

6. Considering the above, the third respondent is directed to register the Rectification Deed, dated 30.07.2020 vide pending Document No.P83/2020 and Document No.3862 of 2020 and release the same to the petitioner, within a period of two weeks from the date of receipt of a copy of this order.



WEB COPY

7. In view of the above, this writ petition stands allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

mn

To

1. The Inspector General of Registration,
Santhome High Road,
Chennai - 600 004.
2. The District Revenue Officer (Stamps),
5th Floor, Collectorate Buildings,
Singaravelan Maligai,
Rajaji Salai, Chennai - 600 001.
3. The Sub Registrar of Assurances,
(In the cadre of District Registrar),
Anna Nagar, Chennai - 600 040.

+1cc to Mr.K.Premkumar, Advocate, S.R.No.5279
+1cc to the Government Pleader, S.R.No.5635

W.P.No.944 of 2022

BP[co]
NSK 14/02/2022