



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2022

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

W.P. No.1604 of 2016

S.Vasanthi

W/o. U.S.Sakthivel

... Petitioner

Versus

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 028.
2. The District Registrar,
Erode.
3. The Sub-Registrar,
Surampatti, Erode.
4. V.Thirunavukkarasu,
S/o. P.S.Velusamy

(R4 impleaded as per order dated
08.03.2019 made in W.M.P.
No. 1604 of 2016)

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the entire records of the 3rd respondent which culminated in its proceedings dated 09.12.2015 and quash the same as illegal and unsustainable and further direct the 3rd respondent herein to receive final decree dated 14.08.2015 made in O.S.No.160/2015 by the Principal District Court, Erode and register the same by collecting registration fee of Rs.4000/- per share as fixed by the Government of Tamil Nadu in G.O.Ms.No.125, Commercial Taxes and Registration (J1) Department dated 30.09.2013 made under the Indian Stamp Act, 1899 and the Registration Act, 1908.



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For Petitioner : Mr. V.P.Sengottuvel

For Respondents: Mr.P.Satish,
Addl. Government Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the 3rd Respondent Sub-Registrar directing the petitioner to pay registration charges at the rate of 1% of the suit value for registering the court decree.

2. The grievance of the petitioner is that, earlier, the petitioner has filed a suit for partition in O.S.No.160 of 2015, and a preliminary as well as final decree has been passed, accordingly, she wants to register the court decree. When she approached the 3rd respondent, Sub-Registrar to register the same, the 3rd respondent directed the petitioner to pay registration charges at the rate of 1% on the suit value. According to the petitioner, even though the value mentioned in the plaint is only Rs.3 crores, the 3rd respondent directed her to pay registration charges for Rs.3,05,00,000/-. The petitioner is ready to pay 1% of registration charges as per the notification issued by the Government, but however, for a sum of Rs.5,00,000/-, she need not pay any registration charges. In the said circumstances, the present Writ Petition has been filed.

3. Mr. P.Satish, learned Addl. Government Pleader appearing for respondents would submit that, in the compromise memo filed by the parties, a sum of Rs.5,00,000/- has been settled in favour of 1st defendant therein. Hence, that amount is also included for the purpose of paying stamp duty. However, as per the Government order, the petitioner is only liable to pay registration charges at the rate of 1% on the value of the suit, and the suit value is Rs.3 crores, the petitioner is liable to pay registration charges on the suit value.

4. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records.

5. Considering the facts and circumstances, as per the notification issued by the Government, the petitioner should pay the registration charges of 1% on the suit value alone, not on any other amount, hence, the petitioner is directed to pay registration charges at the rate of 1% on the suit value of Rs.3



crores, and the petitioner is ready to pay the amount within a period of two weeks from the date of receipt of copy of the order. On payment of registration charges, the 3rd respondent is directed to register the court decree within a period of one week thereafter. Accordingly, this Writ Petition stands disposed of. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rpp
To

1. The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai-600 028.
2. The District Registrar,
Erode.
3. The Sub-Registrar,
Surampatti, Erode.

+1cc to M/s.T.Gowthaman, Advocaet Sr.14712
+1cc to the Special Government Pleader Sr.14146

W.P.No.1604 of 2016

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srg 08/04/2022