



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10479 of 2020

K.Padmaja

... Petitioner

Vs.

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.

2.The District Registrar,
Sipcot Industrial Estate,
Guindy,
Chennai - 32.

3.The Sub Registrar,
Pammal,
Chennai - 75.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to release the registered sale deed bearing Document No.R/Pammal/Book I 292/2020 dated 01.06.2020 and also the excess stamp duty of Rs.15,820/- and registration fee of Rs.9,040/- totalling Rs.24,860/- to the petitioner.

For Petitioner : Mr.N.Suresh

For Respondents: Mr.Yogesh Kannadasan
Special Government Pleader

O R D E R

This writ petition has been filed to issue a Writ of Mandamus, directing the 3rd respondent to release the registered sale deed bearing Document No.R/Pammal/Book I 292/2020 dated 01.06.2020 and also the excess stamp duty of Rs.15,820/- and registration fee of Rs.9,040/- totalling Rs.24,860/- to the petitioner.

2. The case of the petitioner is that the petitioner purchased the Flat D1, 1st Floor, Door No.103, Lakshmipuram, Thiruneermalai, Chennai including 332.64 sq.ft un-divided share and 365 sq.ft built up area for valid consideration. The



petitioner annexed Form-1A along with sale deed and valued the land at Rs.5,80,000/- and valued the building at Rs.2,26,000/- and accordingly, he paid stamp duty and registration fee and presented the sale deed for registration. However, the 3rd respondent insisted for further stamp duty and registration fee at Rs.15,820/- and Rs.9,040/- respectively in total Rs.24,860/-. Accordingly, the petitioner paid the stamp duty and registration fee and presented the same for registration. Though the sale deed was registered, no number was assigned and even till today, not released the sale deed.

3. On perusal of the counter affidavit dated 04.09.2020 filed by the 3rd respondent, revealed that the value of building was verified with the schedule of plinth area and found to be undervalued and when the petitioner was informed and directed to pay correct stamp duty. Accordingly, the documents was returned back to the petitioner and she revised the building value as Rs.4,52,000/- and paid the difference in stamp duty and registration fee and presented for registration on the same day. The sale deed was registered vide Document No.2927 of 2020. However, the building shall be inspected by the 3rd respondent and the value of the building be determined or when the approved building plan is produced, value shall be arrived based on the approved plan.

4. As per the approval building plan, the value of the building was arrived by the 3rd respondent at Rs.6,93,904/- and as such, the petitioner still has to pay a sum of Rs.17,598/- being the deficit stamp duty and Rs.9,696/- being the deficit registration fee. However, no order has been passed under Section 47-A of the India Stamp Act, 1899 for determination of market value and collection of difference in stamp duty.

5. Considering the above, the 3rd respondent is directed to pass order either to release the registered sale deed bearing Document No.R/Pammal/Book I 292/2020 dated 01.06.2020 or to refer under Section 47-A of the Indian Stamp Act, 1899, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

dm



To

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 28.

2.The District Registrar,
Sipcot Industrial Estate,
Guindy,
Chennai - 32.

3.The Sub Registrar,
Pammal,
Chennai - 75.

+1cc to Mr.N.Suresh, Advocate SR.No.2318

+1cc to Government Pleader SR.No.2724

W.P.No.10479 of 2020

GPL (CO)
GMY (02/02/2022)