IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.28334 of 2015

Bharat Petroleum Corporation Ltd.
1st Floor, Raj Towers,
Near Kalaignar Arivalayam,
Karur Bye Pass Road,
Trichy – 620 002.
Rep. by its Territory Manager – Retail,
Mr.K.Dandapani ... Petitioner

-Vs-

1. Inspector General of Registration,
Santhome High Road,
Chennai – 600 028.

2. Special Deputy Collector of Stamps,
Collector Office, Cuddalore – 607 106.

3. Sub Registrar, Panruti,
Kumbakonam Main Road,
Panruti,
Cuddalore District – 607 106. … Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 3rd respondent to forthwith release the original sale deed registered on 28.04.2000 bearing Document No.837 of 2000.

For Petitioner	:	Mr.O.S.Karthikeyan
For Respondents	:	Mr.T.Arunkumar Additional Government Pleader

ORDER

The writ on hand has been instituted seeking a direction to the third respondent to forthwith release the original sale deed dated 28.04.2000 bearing document no.837 of 2000.

2. The petitioner is Bharat Pertoleum Corporation Limited. In the course of business, in distribution of sale of petroleum products, the petitioner corporation purchased the vacant land admeasuring 17185 sq.ft from one A.R.Damodara Mudaliar & Company represented by its Managing Partner A.R.Damodaran for a sale consideration of Rs.49,12,000/-. The sale deed was drawn on stamp paper valued at Rs.5,89,440/- calculated at 12% on the aforesaid sale price as applicable and presented for registration before the Sub-Registrar, Panruti on 28.04.2000 with requisite registration fee of Rs.49,145/-.

3. Thereafter, Form – I notice dated 21.07.2000 was issued by the second respondent, wherein the petitioner was called upon to pay an

additional deficit stamp amount of Rs.3,87,636/-. However, the petitioner has not paid on the ground that the stamp value fixed by the Sub-Registrar is improper and excess.

4. The learned counsel for the petitioner mainly contended that procedure as contemplated were not followed for the purpose of determining the stamp duty to be paid. The Authorities competent have not conducted a proper enquiry with reference to the market value prevailing on the date of presentation of the document for registration and the objection made by the petitioner was not considered by the competent authorities. Thus, a direction is sought for to release the document.

5. Learned Government Pleader appearing for the respondents raised an objection by stating that the petitioner Corporation presented a document with deficit stamp duty. The document was registered and the Registration Authority calculated the stamp duty based on the market value of Rs.473.80 per sq.ft in respect of the said survey number. However, the petitioner has paid a sum of Rs.285.80 per sq.ft and therefore, the Sub-Registrar asked the petitioner to pay the deficit stamp duty of Rs.9,77,076/- for the total sale consideration of the said document

is Rs.81,42,300/-. It is further contended that the third respondent Sub-Registrar sent the document to the second respondent Special Deputy Collector (Stamps) with a note attached stating that referring necessary action is to be taken under Section 47-A of the Registration Act, 1908 to fix the guideline and market value with stamp duty to be paid by the petitioner.

6. It is needless to state that the Revenue of the State is to be protected by its Authorities. A person presenting the document should be afforded an opportunity of adjudication for the purpose of determining the stamp duty to be recovered on registration. The allegations raised between the parties need not be gone into at this length of time, in view of the fact that the document is yet to be released and more so, the third respondent referred the document to the second respondent, who is the competent authority to determine the market value and calculate the stamp duty to be paid by the petitioner.

7. In view of the facts and circumstances, the second respondent Special Deputy Collector (Stamps) is directed to conduct an enquiry by affording an opportunity to all the parties concerned and thereafter

determine the market value and the stamp duty to be paid and thereafter, the petitioner shall pay the market value for the purpose of release of documents, which was registered vide document no.837/2000.

Accordingly, this writ petition stands disposed of. No costs.

06.06.2023

Index : Yes
Speaking order: Yes
Neutral Citation:Yes/No
mp

To

1. Inspector General of Registration,
   Santhome High Road,
   Chennai – 600 028.

2. Special Deputy Collector of Stamps,
   Collector Office, Cuddalore – 607 106.

3. Sub Registrar, Panruti,
   Kumbakonam Main Road,
   Panruti,
   Cuddalore District – 607 106.

S.M.SUBRAMANIAM, J.

mp

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