



WEB COPY

W.P.No.29875 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.29875 of 2023 and
WMP Nos.29482 to 29484 of 2023

1. N.K.Jinnah
2. J.Banu
3. J.Habeez
4. J.Nizar
5. J.Rafiq

... Petitioners

Vs.

1. The Sub Registrar
Central
R.S.Puram Jurisdiction
State Bank Road,
Coimbatore District- 641 018
2. The Inspector General of Registration
Santhome High Road, Chennai - 600 028
3. The Commissioner of Police
Coimbatore District,
Coimbatore - 641 018
(R3 deleted as per order dated 16.10.2023
in WP No.29875/2023 by PVJ)
4. Paramasivam
5. Sulochana
6. M.Raja
7. M.Sumathi
8. Ananthanarayan
9. Manikandan



10. The District Registrar
District Registrar Office,
Coimbatore

... Respondents

(R10-Impleaded as per order dated 28.11.2023
in WMP No.33077 of 2023 in WP No.29875/2023
by PVJ)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for records relating to the proceedings in letter No.4601/AA1/2021 dated 30.11.2021 passed by the proposed 10th respondent to ratify the registered sale deeds dated 03.06.1991 of the petitioners in documents No.2870 to 2879/1991 on the file of the Sub Registrar, Parasala Thiruvananthapuram at Coimbatore and make entries in the encumbrance certificate under Section of the Indian Registration Act by collecting the difference in the stamp duty and penalty if any from 03.06.1991. (Prayer amended as per order dated 28.11.2023 in WMP No.33079/2023 in WP NO.29875 of 2023 by PVJ)

For Petitioners : Mr.S.Sivaraman

For R1 and R2 : Mr.Yogesh Kannadasan
Special Government Pleader

For R3 : Mr.S.Sugendran
Additional Public Prosecutor

For R4 : Not Ready in notice

R5, R6 and R7 : No Appearance

For R8 and R9 : Mr.A.Muthukumar



ORDER

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This Writ Petition is filed seeking to issue a writ of Certiorarified Mandamus to call for records relating to the proceedings in letter No.4601/AA1/2021 dated 30.11.2021 passed by the proposed 10th respondent to ratify the registered sale deeds dated 03.06.1991 of the petitioners in document Nos.2870 to 2879/1991, on the file of the Sub Registrar, Parasala Thiruvananthapuram at Coimbatore and make entries in the encumbrance certificate under the Registration Act by collecting the difference in the stamp duty and penalty if any, from 03.06.1991.

2. The learned counsel for the petitioners submitted that though they have filed an application as early as 24.05.1992 for ratification of sale deeds registered in the year 1991 and to make entry in the encumbrance certificate, no order has been passed on the same. Therefore, the petitioners were constrained to make another application on 15.03.2021. But, the 10th respondent passed the impugned order on the ground that the application was not made within 4 years from the date of registration.

3. The learned Special Government Pleader appearing for the



respondents 1 and 2 fairly conceded that the impugned order has been passed erroneously and wrongly interpreting the judgment of the Supreme Court in the case of *C.J.Paul and Others Vs. District Collector and Others*, reported in (2009) 14 SCC 564. He submitted that it is a matter between the executant of the document and the Government regarding collection of stamp duty and therefore, it is not barred by limitation.

4. The learned counsel for the private respondents 8 and 9 submitted that the petitioners' documents itself are fictitious. Even the stamp vendor's name and seal are not found and the details with regard to the date and place of purchase are also not available. Therefore, the said documents are not valid.

5. Heard and perused the materials available on record.

6. As submitted by the learned Special Government Pleader, the impugned order which was passed based on the judgment of the Apex Court in (2009) 14 SCC 564, is not applicable to the present case. Therefore, the impugned order is liable to be set aside.

7. Accordingly, the impugned order dated 30.11.2021 is set aside. The official respondents are directed to collect the stamp duty in the manner known to law if all the documents are otherwise in order.



8. It is made clear that mere receipt of stamp duty will not validate the document and also declare the rights of the parties. Therefore, if the private respondents have any grievance, they are at liberty to work out their remedy in the manner known to law before the appropriate forum regarding right, title and alienable interest over the property and documents.

9. With the above direction, the Writ petition is disposed of. There shall be no order as to the costs. Consequently, connected Miscellaneous Petitions in WMP Nos.29483 and 29484 of 2023 are closed. The Miscellaneous Petition in WMP No.29482 of 2023 is ordered subject to payment of separate court fee by all the other petitioners failing which, the writ petition shall stand dismissed automatically against the other writ petitioners.

18.12.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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