



WP.No.10925 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.10925 of 2024

1.K.Baskaran
2.G.Thiriinban
3.D.Yogaprathap
4.G.Kasi

.. Petitioners

Versus

The Sub Registrar
Gudiyatham, Vellore District

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 26.09.2023 under Refusal Number:RFL/Gudiyatham/54/2023 passed by the respondent and quash the same and consequentlly issue direction directing the respondent to register the sale deed dated 26.09.2023.

For Petitioners : Mr.S.Saravanakumar
For Respondent : Mr.B.Vijay
Additional Government Pleader

ORDER

Challenge has been made to the refusal checkslip refusing to register the document on the ground that in the earlier document, there was deficit stamp duty. Hence, this writ petition.



WP.No.10925 of 2024

2. The learned counsel for the petitioner would submit that the deficit stamp duty has not been determined based on the reference, however, due to the proceedings initiated on the basis of the audit object as against the Sub-Registrar for collecting deficit stamp fees. In the above proceedings, neither the petitioner nor the vendor is a party. Further, the orders have been passed which has been challenged by the Sub Registrar before the Inspector General of Registration. The Inspector General of Registration has confirmed the order passed by the District Registrar. In pursuant to the same, recovery proceedings have been initiated citing the proceedings initiated against the Sub Registrar. The petitioner being the subsequent purchaser, when the petitioner presented the document, the same has been refused to be registered.

3. Mr.B.Vijay, learned Additional Government Pleader fairly submitted that as the proceedings is only against the Sub-Registrar and recovery is also not based on recovery under Section 47-A, refusal slip ought not to have been issued.

4. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal.



WP.No.10925 of 2024

5. As the petitioner or the vendor is not a party in the earlier proceedings, refusal checkslip cannot be issued merely citing recovery proceeding as against the officials. Accordingly, the impugned order is set aside and the respondent is directed to register the sale deed dated 26.09.2023 within a period of 15 days from the date of receipt of a copy of this Order.

6. In view of the above, this writ petition stands allowed. No costs.

21.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

The Sub Registrar
Gudiyatham, Vellore District



WEB COPY



WP.No.10925 of 2024

N. SATHISH KUMAR, J.

dhk

W.P.No.10925 of 2024

21.06.2024
($\frac{1}{2}$)