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WP.No.14556 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.14556 of 2024
and W.M.P.No.15446 of 2024

M/s.Indus Cityscape Construction Pvt.Ltd
Represented by its Director Mr.Narendar Lunawath
No.5C, Ega Trade Centre
No.809, Poonamallee High Road
Kilpauk, Chennai – 600 010

.. Petitioner

Versus

1.Secretary to Government
Represented the State of Tamil Nadu
Commercial Taxes and Registration Department
Fort St.George, Chennai

2.The Inspector General of Registration
No.100, Santhome High Road
Mullima Nagar, Mandavelipakkam
Raja Annamalaipuram, Chennai – 600 028

3.The District Registrar – Chengalpattu District
No.10, Kanchipuram High Road
Chengalpattu Bazaar
(Near Sub Jail, Opp. St. Joseph School)
Chengalpattu – 603 002

4.The Joint Sub Registrar-II
Chengalpattu,Collector
No.10, Kanchipuram Main Road
Chengalpattu – 603 002

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent 2 to 4 to register sale deeds executed by the petitioner pertaining to lands in Survey Nos. 40 to 61 and 63 at Idayankodumanthankal Village, Chengaleput District in the Sub Registration Office of Chengalput Joint II or any part or portion thereof and release the same without delay and to direct the Respondents to pay a compensation of INR 25,00,000/- for the loss hardship and mental agony caused to petitioner for violation of their statutory rights.

For Petitioner : M/s.Y.Kavitha
For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition is filed for a direction to the respondents 2 to 4 to register sale deeds executed by the petitioner pertaining to lands in Survey Nos. 40 to 61 and 63 at Idayankodumanthankal Village, Chengaleput District in the Sub Registration Office of Chengalput Joint II or any part or portion thereof and release the same without delay and to direct the Respondents to pay a compensation of INR 25,00,000/- for the loss hardship and mental agony caused to petitioner for violation of their statutory rights.

2. The petitioner purchased the property in the year 2005 to an extent of 35.45 cents from the Official Liquidator of the Madras High Court. Thereafter, the petitioner entered into an agreement with Paalar Urban Farms Pvt Ltd to manage their farms. When the petitioner presented the sale deeds before the fourth respondent, they have not been registered and the same is kept pending.



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Hence, this writ petition.

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3. The learned Additional Government Pleader submitted that since on the enquiry, it was found that there is a layout already formed, the documents were refused to be registered. Whereas the learned counsel for the petitioner submitted that the property is used only for the agricultural process, no layout is formed. In this regard, the this Court has passed an Order in W.P.No.12941 of 2023 vide Order dated 28.06.2023, wherein, the petitioner has given an undertaking to the effect that the property will used as agricultural land. Such being the position, the respondents cannot refuse to register the document.

4. Heard both sides and perused the materials placed on record.

5. At the outset, this Court is of the view that if at all the registering authorities has reasons to believe that the document has been undervalued, the only option available is to refer the document under Section 47-A of the Indian Stamp Act. Particularly, when the document is sought to be registered only for the agricultural purpose, the respondents cannot refuse to register the document.



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6. Such view of the matter, the registering authorities is directed to proceed properly and register the document as per law within a period of one month from the date of receipt of a copy of this Order.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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To,

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N. SATHISH KUMAR, J.

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