IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **14.06.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.15277 of 2024 & WMP.No.16608 of 2024

K.F.Manavalan .. Petitioner

Versus

1. State of Tamil Nadu represented by
its Secretary to the Government,
Commercial Taxes and Registration Department,
Fort St. George, Chennai – 600 009.

2. The Inspector General of Registration,
O/o.the Inspector General of Registration,
100, Santhome High Road, Santhome, Chennai – 600 004.

3. The Sub-Registrar,
Sub-Registration Office, Anna Nagar, Chennai – 600 037.

4. M/s.Ten Square Realty Private Ltd.,
'Tensquare', Block No.64, Jawaharlal Nehru Road,
Koyambedu, Chennai – 600 107
and represented by its Authorized Signatory .. Respondents

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 culminating in the Refusal Check Slip bearing Ref. RFL/ Anna Nagar/ 8/2024 dated 6/02/2024 and declare it to be without jurisdiction and consequently direct the third respondent to register the sale deed dated 6/02/2024 (bearing

Ref. TP /172841930/ 2024) presented for registration to the Sub registrar Anna Nagar on 6.02.2024.

For Petitioner : Mr.Bijesh Thomas

For Respondents : Mr.P.Anandhakumar
Government Advocate – R1 to R3

ORDER

Since no adverse Order is passed against the fourth respondent, notice to the fourth respondent is dispensed with. With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to quash the impugned Refusal Check Slip bearing Ref. RFL/ Anna Nagar/ 8/2024 dated 06.02.2024 and declare it to be without jurisdiction and consequently direct the third respondent to register the sale deed dated 06.02.2024 (bearing Ref. TP /172841930/ 2024) presented for registration to the Sub registrar Anna Nagar on 06.02.2024.

3. Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3 and perused the materials available on record.

4. The case of the petitioner is that when he presented a sale deed same was refused to be registered on the ground that the property is not properly valued as per G.O.Ms.No.113[Commercial Taxes and Registration [J1] Department], dated 01.12.2023. Challenging the same, the present Writ Petition has been filed.

5. At the outset this Court is of the view that since the very Order itself has been passed by non application of mind and misinterpretation of the Government Order, no counter is required. When the petitioner presented a sale deed in respect of a commercial property, the same has not been registered citing G.O.Ms.No.131. I have perused G.O.Ms.No.131 [Commercial Taxes and Registration [J1] Department], dated 01.12.2023. The said Government Order has been issued by the Commercial Taxes and Registration Department which deals with the sale of undivided share of the land and construction agreement in respect of apartments and residential units. Therefore, when the document was presented in respect of a commercial property and the same has been refused to be registered, relying on the above Government Order, such an Order cannot be sustained in the eye of law for the simple reason that even assuming that if a document is under valued, the Sub Registrar has to prima

facie believe that the document has been under valued and record reasons and after recording such reasons, the Sub Registrar has to register the document and then refer the document for fixing market value by the Collector under section 47A of the Indian Stamp Act. Therefore, the procedure adopted by the respondent in refusing to register the document is liable to be quashed.

6. Accordingly, this Writ Petition is allowed and the impugned Order of the third respondent dated 06.02.2024 is quashed. The respondent is direct to register the document sale deed dated 06.02.2024 presented by the petitioner within a period of 15 days from the date of receipt of a copy of this Order. Thereafter, if he has reason to believe that the property is under valued, he can exercise his power to refer the instrument for correct valuation as per law. No costs. Consequently, connected miscellaneous petition is closed.

14.06.2024

vrc

Index :Yes/No
Internet :Yes/No
Neutral Citation : Yes/No

To,

1. The Secretary to the Government,

Commercial Taxes and Registration Department,
Fort St. George, Chennai – 600 009.

2. The Inspector General of Registration,
O/o.the Inspector General of Registration,
100, Santhome High Road, Santhome, Chennai – 600 004.

3. The Sub-Registrar,
Sub-Registration Office, Anna Nagar, Chennai – 600 037.

N. SATHISH KUMAR, J.

vrc

W.P.No.15277 of 2024

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