



WEB COPY

W.P.No.17592 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.17592 of 2024

Kunal Surana

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Petitioner

Versus

1.The State of Tamil Nadu
Represented by its Principal Secretary
Commercial Taxes and Excise Department
Fort St.George, Chennai – 600 018

2.The Inspector General of Registration,
100, Santhome High Road
Mylapore, Chennai
Tamil Nadu – 600 028

3.The District Registrar,
Jeenis Road, Saidapet
Chennai – 600 015

4.The Sub Registrar, Padappai
Old No.88, New No.113
Pushpagiri Main Road
Padappai, Chennai – 601 301

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents herein to complete the registration of the Sale Deed dated 08.05.2024 registered as



Document No. P/Padappai/81/2024 on the file of the Fourth respondent (Subject Instrument) without insisting for the payment of the stamp duty as per the Circular bearing 5247/L1/2023-1 dated 30.03.2023 passed by the Second Respondent.

For Petitioner : Mr.G.Vivekanand
For Respondents : Mr.M.Shajahan
Special Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the respondents to complete the registration of the Sale Deed dated 08.05.2024 registered as Document No. P/Padappai/81/2024 on the file of the Fourth respondent (Subject Instrument) without insisting for the payment of the stamp duty as per the Circular bearing 5247/L1/2023-1 dated 30.03.2023 passed by the Second Respondent.



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3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the materials available on record.

4. The grievance of the writ petitioner is that when he presented the document for registration on 08.05.2024, the same has been kept pending on the excess stamp duty.

5. The learned Special Government Pleader for the respondents submitted that the fourth respondent will register the document in a reasonable time.

6. When the document is presented for registration, it is for the registering authority to register the document. While registering the document, if the Sub-Registrar has reason to believe that the document has been undervalued, it is the duty of the Sub-Registrar first register the document and then refers the document to the Collector for determination of



the market value. Such being the legal position, the Sub-Registrar himself cannot keep the document pending without registering the document.

7. In such view of the matter, there shall be a direction to the fourth respondent / Sub-Registrar to register the document and take action as per law, whenever it is presented by the petitioner, within a period of one week from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. No costs.

04.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

dhk



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