



WEB COPY



W.P.No.18410 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.18410 of 2024

M/s Girias Textiles,
Represented by its Partner Mr.Nitish Giria,
22, Kader Nawaz Khan Road,
Nungambakkam, Chennai-600 006.

.. 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, Anna Nagar,
TNSCB, IInd Floor,
J.J.Complex, Thirumangalam,
Chennai-600 040.

...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 13.05.2024 registered as Document No.P/Anna Nagar/50/2024 on the file of the fourth respondent



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(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, the main writ petition itself is taken up for final disposal at the stage of admission.

2 . This Writ Petition is filed to direct the respondents herein to complete the registration of the Sale Deed dated 13.05.2024 registered as Document No.P/Anna Nagar/50/2024 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.

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



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4 . The grievance of the writ petitioner is that when he presented the document for registration on 13.05.2024, 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 refer 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.



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

costs.

12.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

1.The Principal Secretary
The State of Tamil Nadu
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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N. SATHISH KUMAR, J.

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