IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.19942, 19943, 19947, 19964, 19965, 19966, 19969, 19970, 19971, 19972, 19984, 19985 and 19986 of 2024

WP.No.19942 of 2024

M.G.Venkatarubramanian ... Petitioner

vs

The State of Tamil Nadu
Rep by Secretary
Commercial Taxes and Registration Department
Secretariat,
Fort St.George, Chennai – 9.

2.The Inspector General of Registration
Tamil Nadu, Registration Department
Santhome, Chennai -28.

3.The Sub Registrar
Thirukazhukundram
Chengalpattu District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 3rd respondent to accept and register the petitioner sale deed in respect of the property mentioned in the schedule on the guideline value that was in effect from 09.06.2017 ie at the rate of Rs.170/- per sq.ft.

For Petitioners : Mr.S.Venkatesan in all the cases.

For Respondents : Mr.B.Vijay, AGP for R1 to R3 in all the cases.

COMMON ORDER

By consent of both sides, all the Writ Petitions are disposed of at the stage of admission itself.

2. It is the grievance of the petitioners that they have purchased the plot Nos.126 & 127, No.76, Nos.7D & 7E, No.56, No.75, Nos.124 & 125, Nos.45 & 46, Nos.73 & 74, Nos.122 & 123, Nos.28 & 29, Shop Site No.1, Plot No.57 & 58, Nos.120 & 121 measuring to an extents of 1500sq.ft each, 2006sq.ft, 1530sq.ft each, 2584sq.ft, 1680sq.ft, 1500sq.ft each, 2988sq.ft & 1600sq.ft, 1461sq.ft & 1955sq.ft, 1500sq.ft each, 1800sq.ft each, 1976sq.ft, 2388sq.ft & 2381sq.ft, 1650sq.ft & 1913sq.ft in (Patta No.756), (Patta No.756), (Patta No.612 & 435), (Patta No.611), (Patta No.756), (patta No.756), (patta No.756), (Patta No.756), (Patta No.756), (Patta No.756), (Patta No.756) respectively situated at No.51, Nallanpillaipetral Village, Vadakadambadi Panchayat, Thirukazhukundram Taluk, Chengalpattu District, when the same was presented for registration as per the existing guideline value revised on 09.06.2017, the documents were not registered

and directed to pay the revised guideline value in accordance with Circular No.5247/L1/2023-1 dated 30.03.2023. Hence, the present writ petitions.

3. The learned Additional Government Pleader would submit that the documents would not be registered on the basis of the guideline value of the year 2017 and in some of the writ petitions refusal slips have been issued, and the same has not been challenged before this Court.

4. Heard the learned counsel for the petitioners and the learned Additional Government Pleader for the respondents and perused the materials available on record.

5. The main contention of the learned counsel for the petitioners that the stamp fees has been paid as per the existing guideline value, the documents have not been registered citing that new guideline value has to be adopted. The documents were presented much prior to the prevailing new guideline value.

6. It is to be noted that the Division Bench of this Court in **W.A.No.512 of 2024 [State of Tamil Nadu Represented by its Secretary**

to the Government, Commercial Taxes and Registration Department and another Vs. CREDAI, Chennai represented by its President and two others] has already quashed the circular bearing No.5247/L1/2023-1, which raised the guideline value and held that till new guidelines have been framed as per the Rules, the Guideline which is prevalent prior to 2017 shall be applicable and directed the Registrar to receive the documents based on the value fixed in the year 2017. Since, as on today, the above direction is prevailing, the registering authorities cannot refuse to register the document when the stamp duty has been paid as per the guideline value fixed in the year 2017.

7. Considering the fact that the review application is pending, this Court is of the view that the third respondent shall receive the documents presented by the petitioners for registration and register it and keep it as pending document. In the event the respondents succeeds in the review application, then they can collect the differential stamp duty. However, the registering authorities cannot refuse to register the document. Accordingly, there shall be a direction to the third respondent to register the documents within a week of the receipt of a copy of the Order.

8. With the above directions, these writ petitions are disposed of. No costs.

24.07.2024

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No

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To
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Commercial Taxes and Registration Department
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Chengalpattu District.

N.SATHISH KUMAR, J.

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W.P.No.19942 of 2024 etc batch

24.07.2024