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W.P.No.26298 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26298 of 2024

and

WMP.Nos.28723, 28731 & 28733 of 2024

- 1.Andal
- 2.Varadharajan
- 3.Thangamani
- 4.Thanammal
- 5.Venkatesan
- 6.Rita
- 7.Vasantha
- 8.Mariammal

...Petitioners

Vs.

- 1.Inspector General of Registration
100, Santhome High Road
Mullima Nagar
Mandavelipakkam
Raja Annamalai Puram
Chennai, Tamil Nadu 600 028.

- 2.Deputy Inspector General of Registration (DIG)
Chennai Zone
Nandanam
Chennai 600 035.



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3. Assistant Inspector General of Registration (AIG)
North Chennai Zone
Kuralagam
Chennai 600 108.

4. Sub Registrar Office (SRO)
Redhills
Chennai 600 052.

5. K.L. Kiran

6. M/s. BPK Developers Pvt. Ltd.,
No. 21, Raja Annamalai Road
Flat No. A/14 Rams Apartments
Chennai 600 084.

7. Abishek Dhoga

8. Rahul Dhoga

9. Shagul Dhoga

10. Canara Bank
Rep. by its Manager
Branch Office
No. 119/120, Negisappa
Naicker Street
Sowcarpet
Chennai 600 003.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, Certiorarified Mandamus, calling for the records pertaining to the impugned order Na.Ka.No.1391/Aa1/2022 dated 16.08.2023 issued by the second respondent and quash the same and



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consequently to direct the second respondent to consider the specific fact and circumstances of fraudulent deeds stated in the representation dated 18.09.2019 and cancel the sale deed dated 11.03.2010 registered as Document No.6226/2010 along with the supplementary sale deed dated 30.08.2011 registered as Document No.7069 of 2010 in SRO Redhills, in favour of the fifth respondent and also cancel the subsequent deeds executed in favour of 6 to 10th respondents.

For Petitioners : Mr.D.Daniel

For Respondent : Mr.M.Shahjahan for R1 to R4
Special Government Pleader

ORDER

Challenging the order passed by the second respondent rejecting the petition filed by the power agent of the petitioners seeking enquiry into the consideration passed under the sale agreement entered between the petitioners and the fifth respondent, the petitioners have come by way of this Writ Petition.



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2. According to the petitioners, the property with an extent of 1 acre 14 cents in S.No.270/1C and 0.55 cents in S.No.271/1C belonged to them, and they have entered into the sale agreement with the fifth respondent. Though the agreed sale consideration was Rs.1,69,00,000/-, in the agreement, sale consideration was mentioned as Rs.33,80,000/- and the same was registered. In the subsequent sale deed dated 11.03.2010 between the parties also sale consideration less than guideline value was mentioned at the instance of fifth respondent. Therefore, the power agent of the petitioners filed an application before the fourth respondent seeking enquiry into the valuation of the document. The fourth respondent rejected the application filed by the power agent of the petitioners on the ground that the document was valued as per the guideline value maintained in the year 2010 and the stamp duty was collected on the basis of the guideline value. Aggrieved by the said order passed by the fourth respondent, the power agent of the petitioners Harikrishnan preferred an appeal before the second respondent. The second respondent also found that the document was valid as per the guideline value prepared in the year 2010 and money transaction between the petitioners and



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the fifth respondent could not be gone into by the Registering Authority and confirmed the order passed by the fourth respondent. Aggrieved by the same, the petitioners are before this Court.

3. The learned counsel for the petitioners would submit that the fourth respondent at the time of registering the document ought to have impounded the document for determination of market value under Section 47-A of the Registration Act. When the document was valued and stamp duty also paid as per the guideline value, at the relevant point of time, there was no occasion for the Registering Authority to doubt the value adopted by the parties and impound the document for the purpose of the determination of market value under Section 47-A of the Registration Act.

4. The Registering Authority cannot go into the actual money transaction between the parties when the petitioners failed to raise an objection at the time of registration. After several years from date of registration, the petitioners cannot seek enquiry by Registering Authority as to the actual consideration agreed between the parties. If it is the case of the petitioners that the actual sale consideration was more than the one mentioned in the



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document, it is for the petitioners to workout their remedy before the Civil Court.

5. With these clarification, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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(1/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

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