



W.P. No.25801 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.25801 of 2023

S.Ganapathi
Vice President
Vengal Village Panchayat
No.894, Ottarpalayam Street
Vengal 601 103
Thiruvallur District

... Petitioner

Vs

1.The Inspector General of Registration
O/o Inspector General of Registration
No.120, Santhome High Road
Foreshore Estate
Chennai 600 028

2.The District Collector
Thiruvallur District
Thiruvallur 602 001

3.The District Registrar
O/o District Registrar
Thiruvallur District
Thiruvallur 602 001

4.The Sub-Registrar



W.P. No.25801 of 2023

Office of the Sub-Registrar
Arani, Thiruvallur District

5.N.D.R Warehousing Private Limited
Rep. by its Managing Director
No.54, "B" Block
103, Sreekaram Apartment
Pallavan Ngar, Maduravoyal
Chennai 600 095

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent herein to take appropriate action on the petitioner's representation dated 01.12.2022, 23.01.2023, 20.02.2023, and 06.03.2023 and pass orders therein by providing an opportunity of hearing to the petitioner and other stake holders.

For Petitioner : Mr.S.Thirumalavan

For Respondent : Mr.B.Vijay
Addl. Govt. Pleader for R1 to R4
R5 - Unserved

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the representations of the petitioner and to take stringent action against the respondents.



W.P. No.25801 of 2023

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2. It is the grievance of the writ petitioner that the fifth respondent has purchased the property and has registered, undervaluing the same. In this regard, the petitioner has given a representation, however, no action has been taken. Whereas, it is the stand of the Revenue that since stamp has been paid for the guideline value, the document has been registered. After the complaint received from the petitioner, on inspection, they found that the superstructure has been undervalued and the panel report is awaited in this regard and based on the report, further action will be taken. It is for the authorities to take action as per the valuation report, in accordance with law. The submission is recorded.

3. It is further to be noted that whether any instrument has been registered undervaluing, the same has to be seen only by the authorities by forming a *prima facie* opinion about the under valuation when the document is being presented for registration. If such opinion is formed by the Sub Registrar or he has reason to believe that the property is undervalued, then he has to refer the document to the District Collector for determining the correct value as per Section 47-A of the Stamp Act. Once the Sub Registrar or the District Registrar or the Registering authority concerned, has not doubted the value and registered the document and released the document, merely on the basis of some



W.P. No.25801 of 2023

complaint given by the third parties for some other reasons or motive, every concluded registration cannot be reopened as a matter of right.

4. With the above observation, the writ petition is disposed of. No costs.

18.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

Asr

To

1.The Inspector General of Registration
O/o Inspector General of Registration
No.120, Santhome High Road
Foreshore Estate, Chennai 600 028

2.The District Collector
Thiruvallur District, Thiruvallur 602 001

3.The District Registrar
O/o District Registrar
Thiruvallur District, Thiruvallur 602 001

4.The Sub-Registrar
Office of the Sub-Registrar
Arani, Thiruvallur District

5.The Government Pleader
High Court, Madras



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N.SATHISH KUMAR, J.

Asr

W.P.No.25801 of 2023

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