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W.A.(MD) No.1399 of 2016

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DR.G.JAYACHANDRAN, J.
and
P.VADAMALAI, J.

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

This matter is listed today under the caption “for being mentioned” at the request of the learned counsel for the respondent.

2. Learned counsel for the respondent submitted that the writ appeal filed by the State was dismissed by the Division Bench of this Court vide Judgment dated 24.04.2024 with elaborate reasonings. However, in the result portion of the said Judgment, it has been erroneously typed as the writ appeal is allowed instead of dismissed.

3. This Court, after going through the discussion made in the Judgment and the reasonings given therein, finds that the writ appeal has been intended to be dismissed. But, in the final line of the Judgment, it has been wrongly stated as allowed.



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4. Learned Additional Government Pleader appearing for the appellants fairly concedes that it is an error crept in inadvertently and the same may be corrected.

5. Recording the same, Paragraph No.7 of the Judgment dated 24.04.2024 passed in W.A.(MD) No.1399 of 2016 shall be read as below:

“7. Accordingly, this Writ Appeal is dismissed. No costs.”

6. Registry is directed to carry out the above correction and issue a fresh Judgment copy to the parties concerned on application.

[G.J., J.] [P.V.M., J.]

25.02.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk



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25.02.2026



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A.(MD) No.1399 of 2016

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
 2. The Deputy Inspector of Registration,
Tirunelveli,
Tirunelveli District.
 3. The District Registrar (Administation),
Virudhunagar,
Virudhunagar District.
 4. The District Registrar (Audit),
Virudhunagar,
Virudhunagar District.
- ... Appellants

Vs.

V.Selvakumari

... Respondent



W.A.(MD) No.1399 of 2016

Prayer: Appeal filed under Clause 15 of Letters Patent Act to set aside the order of the Court passed in W.P.(MD).No.3853 of 2016, dated 23.08.2016 by allowing this Writ Appeal.

For Appellants : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Ms.D.Farjana Ghoushia
Special Government Pleader

For Respondent : Mr.M.Kaliraj

J U D G M E N T

(Judgment of the Court was delivered by **N.SESHASAYEE, J.**)

This Writ Appeal is directed against the order of the learned Single Judge in W.P. (MD).No.3853 of 2016 dated 23.08.2016, in which, the learned Single Judge has upheld the challenge of the writ petitioner to a charge memo issued on her. In terms of the charge memo, the respondent, who is the Sub Registrar, has registered a certain document without looking to the guideline value whatever, owing to which, there was revenue loss to the Government.



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2. The contention of the respondent before the writ court was that inasmuch as registering of document involves a quasi judicial activity with provisions to collect sufficient stamp duty, for under valuation of any document, a charge memo might not lie under Section 47-A of the Indian Stamp Act, 1899. She also relied upon the judgment of the Hon'ble Supreme reported in ***Zunjarrap Bhikaji Nagarkar Vs. Union of India and Others*** in [1999 (7) SCC 409].

3. This order of the learned Single Judge, as outlined earlier, is under challenge in this Writ Appeal and the foundation for the same is in the ratio of the Hon'ble Supreme Court in a judgment reported in ***Union of India and Others Vs. Duli Chand*** [2006 (5) SCC 680].

4. The anticlimax, however, lies outside these two authorities referred to above. The learned counsel for the respondent submitted that ultimately, the document in question was taken upto Inspector General (Registration) in an appeal by the executant of the document and the Inspector General, in his proceedings, had confirmed the correctness of the valuation made. According to the learned counsel for the respondent, this literally has vindicated the stance of the



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respondent even on facts.

5. While the learned counsel for the appellants made a statement such as the one that has already been stated above, the learned Additional Advocate General submitted that he is awaiting for instructions. However, he also made a fair submission that if the foundational fact for issuing a charge memo itself is not available any more, then, it will be a profitless endeavour to hold an enquiry.

6. After carefully considering the rival submissions, this Court considers that the charge memo issued cannot be sustained any longer in view of the subsequent event where the appellants initially stand in registering a document stands vindicated by the proceedings of the Inspector General (Registration).

7. Accordingly, this Writ Appeal is allowed. No costs.

(N.S.S., J.) (P.V.M., J.)
24.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
TSG



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To

1. The Inspector General of Registration,
Santhome High Road,
Chennai.
2. The Deputy Inspector of Registration,
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Tirunelveli District.
3. The District Registrar (Administration),
Virudhunagar,
Virudhunagar District.
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24.04.2024