



W.P.(MD)No.22168 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.09.2024**

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.22168 of 2024

Ajithkumar

... Petitioner

Vs.

The Sub Registrar,
Kaliyarkovil,
Sivagangai District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent made in RFL/Kalayarkovil/Book/2/7 dated 14.08.2024 and quash the same and consequently direct the respondent to complete the registration of pending document No.68 of 2024 dated 16.07.2024 in respect of the punja land comprised in S.No.42/2B2 having an extent of 7.58 acres situated at Mathukanmai Village, Kalayarkovil Taluk, Sivagangai District.

For Petitioner : Mr.R.Murali

For Respondent : Mr.P.Subbaraj
Special Government Pleader



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ORDER

This writ petition has been filed to challenge the proceedings of the respondent made in RFL/Kalayarkovil/Book/2/7, dated 14.08.2024 with consequential direction to the respondent to complete the registration of pending document No.68 of 2024 dated 16.07.2024 in respect of the punja land comprised in S.No.42/2B2 having an extent of 7.58 acres situated at Mathukanmai Village, Kalayarkovil Taluk, Sivagangai District.

2. Heard Mr.R.Murali, learned counsel appearing for the petitioner and Mr.P.Subbaraj, learned Special Government Pleader, who takes notice on behalf of the respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that he purchased the agricultural land in Survey No.42/2B2 having to an extent of 7.58 acres situated at Mathukanmai Village, Kalayarkovil Taluk, Sivagangai District, from one Piono Pauline vide sale deed dated 16.07.2024. When the document was presented before the respondent for registration, the same was refused on



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the ground that there was a deficit stamp duty. That apart, the brother of the petitioner's vendor has filed a suit in O.S.No.73 of 2021 before the Sivagangai Mahila Court in respect of subject property.

4. I have perused the materials available on record and it reveals that neighboring land of the subject property has been converted as the house site and therefore, the impugned order has been passed. At the outset, the order passed by the respondent cannot be sustained in the eye of law. Merely because the neighboring land has been converted as the house site, it does not mean that the same value has to be paid to the agricultural land also. If the document is undervalued, the concerned registrar has to register the document first, then refer the same to the Collector for determination of market value. Without doing so, refusal of registration at the earlier stage cannot be sustained in the eye of law.

5. It is relevant to note that when the document is not valued properly, in *N.Ramayee's case*, in paragraph 19 has held as follows:



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“19. It is also relevant to note that even when the document is undervalued and the Registrar registering the document has reason to believe that the market value of the property has not been truly set out in the document, he has to receive the document and refer the same to the Collector for determination of the market value of such property and the proper duty payable thereon as per Section 47-A of the Stamp Act. Even on such ground also the Registrar has no right to refuse to register the document.”

6. The said judgment has also been followed in the case of ***Subramani Vs., The Sub Registrar*** in W.P.No.11056 of 2024 dated 26.04.2024, wherein this Court also held that mere pendency of the suit is not a ground for refusal.

7. In such view of the matter, the impugned refusal check slip in RFL/Kalayarkovil/Book/2/7 dated 14.08.2024, passed by the respondent is hereby quashed and the respondent is directed to register the petition mentioned document within a week from the date of receipt of a copy of this order.



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8. With the above direction, the Writ Petition is allowed. No costs.

19.09.2024

Index : Yes / No

NCC : Yes / No

Rmk

To

The Sub Registrar,
Kaliyarkovil,
Sivagangai District.



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N.SATHISH KUMAR, J.

Rmk

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