



W.P.(MD).No.25959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25959 of 2024

Akilandeswari

... Petitioner

Vs.

1.The District Registrar (Administration),
Office of the District Registrar,
Palani, Dindigul District.

2.The Joint Sub Registrar No.I,
Palani, Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to accept the sale deed dated 01.07.2024 executed in favour of the petitioner for registration and register the same by following the procedure within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.P.Subbaraj
Special Government Pleader



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ORDER

Mr.P.Subbaraj, learned Special Government Pleader, accepts notice on behalf of the respondents.

2. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioner is that when he presented the sale deed on 01.07.2024 with regard to agricultural land before the second respondent, the same has not been registered and kept pending. Now, the communication sent by the Sub Registrar to District Registrar dated 05.08.2024 indicates as if he sought clarification with regard to the value of the property. Hence, this petition.

4. At the outset, this Court is of the view that when the document is presented for registration, if the Sub Registrar has reason to believe that the property is undervalued, he has to register the document first, then refer the document to the Collector for determination of the proper value. Instead of referring the same, he cannot demand stamp duty at



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this stage. 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:

“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.”

5. In view of the above, the Sub Registrar is directed to register the document presented by the petitioner as per law and if the Sub Registrar is of the view that there is undervaluation, he will follow the procedure, thereafter.

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

29.10.2024

Index : Yes / No
NCC : Yes / No
Rmk



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N.SATHISH KUMAR, J.

Rmk

To

- 1.The District Registrar (Administration),
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Palani, Dindigul District.
- 2.The Joint Sub Registrar No.I,
Palani, Dindigul District.

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