



W.P.(MD)No.28831 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.28831 of 2024

and

W.M.P(MD)No.24426 of 2024

Dr.R.Anbarasan

... Petitioner

/Vs./

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai-600 028.
- 2.The Deputy Inspector General of Registration of Tiruchy Zone,
O/o.The Deputy Inspector General of Registration of Tiruchy Zone,
Mannarpuram, Kajamalai,
Trichy, Trichy District-620 020.
- 3.The Sub-Registrar of Kulathur,
O/o.The Kulathur Sub-Registry,
Campus of Taluk Office, Keeranur,
Kulathur Taluk,
Pudukkottai District-622 502.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records comprised in Na.Ka.No.388/2024, dated 21.10.2024 on the file of the third respondent and the instructions of the 1st respondent by his Na.Ka.No.100/L2/2023, dated 08.11.2023 quash the same as illegal and consequently direct the third respondent to register the sale deed dated 01.10.2024 which kept pending in P/Kolathur/84/2024 and release the same.

For Petitioner : Mr.K.Prabhakar

For Respondenta : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent, dated 21.10.2024, thereby returned the document and directed the petitioner to get permission from the Deputy Inspector General of Registration under Section 47-A(1) of the Indian Stamp Act.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. The petitioner had purchased the agricultural land and presented for registration before the third respondent. The said document was kept pending since the petitioner had valued the property as agricultural land. According to the third respondent, it is classified and valued as residential plot. It was kept pending without any registration. Therefore, the petitioner submitted a representation on 01.10.2024. On receipt of the same, the third respondent informed the petitioner that in order to refer the document under Section 47-A1 of the Indian Stamp Act, the registering authority has to seek permission from the Deputy Inspector General of Registration to refer the document as per the Circular issued by the Inspector General of Registration, dated 12.07.2024. Accordingly, the registering officer shall refer an instrument under Section 47-A1 of the Stamp Act to the Stamp Collector within 15 days from the date of registration of the document. In view of Rule 3(5) of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968 whenever under valuation is noticed in respect of a sale deed, the



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registering officer is bound to register the same and refer it in original to the Collector appointed for the purpose of Section 47A of the Indian Stamp Act, 1899 for determination of market value of property. Therefore, the Registrar ought not to have return the document without registration and also without registering the document cannot be referred under Section 47-A1 of the Indian Stamp Act. Without even applying the mind, the third respondent returned the document and sought permission from the Deputy Inspector General of Registration for reference under Section 47-A1 of the Indian Stamp Act.

5. In view of the above, this Court finds infirmity in the order passed by the third respondent, dated 21.10.2024 and it cannot be sustained and liable to be quashed.

6. Accordingly, the order of the third respondent dated 21.10.2024 is quashed and the writ petition is allowed. The petitioner is directed to represent the sale deed for registration before the third respondent and on receipt of the same, the third respondent is directed to register the sale



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deed which is kept pending forthwith. If the registering officer found that the property has been under valued, he shall refer the matter under Section 47-A1 of the Indian Stamp Act before the Stamp Collector. No costs. Consequently, connected miscellaneous petitions are closed.

03.12.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
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TO:-

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G.K.ILANTHIRAIYAN, J.

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Order made in
W.P.(MD)No.28831 of 2024

Dated:
03.12.2024