



W.P.(MD)No.29224 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.29224 of 2023
and WMP(MD) No.25271 of 2023

Babu Radhakrishnan

... Petitioner

Vs

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Office of the District Registrar,
Nagercoil,
Kanyakumari District.

3. The Sub Registrar,
Kottaram Sub Registrar Office,
Kottaram,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to impugned refusal check slip in RFL/Kottaram/172/2023, dated



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04.10.2023 issued by the 3rd respondent and quash the same as illegal and consequently direct the 3rd respondent herein to register and release the Sale Deed vide Temporary No. TP/161149072/2023.

For Petitioner : Mr. VB.Sundhareshwar
For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

This Writ Petition has been filed challenging the impugned refusal check slip in RFL/Kottaram/172/2023, dated 04.10.2023 issued by the 3rd respondent and consequently direct the 3rd respondent to register and release the Sale Deed vide Temporary No. TP/161149072/2023.

2.Heard learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

3.When the petitioner presented the sale deed for registration, the impugned order refusal slip has been issued citing the reason that the petitioner has to value the property as a site. Originally, the petitioner has purchased a property to an extent of 15 cents with coconut trees as an agricultural land. When the sale deed was presented for registration, the same was refused to register and



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the petitioner was directed to value the property as a site and to pay the stamp duty.

4.At the outset, the very impugned order is non-application of mind. Merely because for simple reason that a lesser extent is registered as an agricultural land, it cannot be assumed that the lesser extent is always valued as a site and stamp duty to be paid for that. It is the duty of the Registering Authorities to visit the property, where the subject property is still remains as an agricultural land or converted as a site.

5.It is the duty of the Sub Registrar first to register the document and if he is of the view that the document is under valued, he has to make an inspection of the property and refer the document for determination of value. Without doing so, he cannot straightly insist for stamp duty, even at the time of presentation of document for registration.

6.In view of the above, this writ petition stands allowed and the impugned order, dated 04.10.2023 is set aside and this Court hereby direct the 3rd respondent to register the document and if he feels that the document is under



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valued, he may refer the same for determination of value to the Stamp Collector as per law. The entire exercise shall be completed within a period of two weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

17.10.2024

NCC : Yes/No
Index : Yes/No
PNM

To

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N.SATHISH KUMAR, J.

PNM

ORDER IN

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