



W.P.(MD)No.30162 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.12.2024

CORAM:

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

W.P.(MD)No.30162 of 2024

and

W.M.P.(MD)No.25377 of 2024

M.Mangaiyarkarasi

... Petitioner

-Vs-

1.The Inspector General of Police,
No.100, Santhome High Road,
Adayar, Chennai-600 028.

2.The Deputy Inspector General of Registration,
Tiruchy Zone, 2nd Floor,
Government Multi-Storey Building,
Mannarpuram, Kajamalai,
Trichy-620 020.

3.The Sub-Registrar,
Karambakudi Sub-Registry,
Karambakudi Taluk,
Pudukkottai District-622 302.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records comprised in Na.Ka.No. 249/2024, dated 05.12.2024 on file of the 3rd respondent and quash the same are as illegal and consequently direct the 3rd respondent to register the sale deed dated 05.12.2024 which kept pending in P/Karambakudi/26/2024 and release the same



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For Petitioner : Mr.K.Prabhakar
For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 05.12.2024, thereby sought for concurrence from the second respondent as to why the document presented for registration should not be referred under Section 47-A(1) of the Indian Stamp Act.

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents.

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

4.The Petitioner purchased five items of agricultural property for valid consideration on 05.10.2024 and presented the sale deed for registration before the third respondent. The third respondent informed the petitioner that the subject properties are classified and valued as residential plot as per the guideline value maintained by the Registration Department. However, the petitioner stated that the subject properties are just an agricultural lands and accordingly, valued the property and paid the stamp duty. Therefore, the



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petitioner submitted a representation before the third respondent to register the document and if necessary refer it for determination of the deficit stamp duty under Section 47-A of the Tamil Nadu Stamp Act. However, the third respondent by order dated 05.10.2024 sought concurrence from the second respondent in order to refer the document Section 47-A of the Indian Stamp Act.

5.In view of Rule 3 (5) of the Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968, whenever undervaluation is noticed in respect of a sale deed, the registering officer is bound to register the same and refer it in original to the Collector appointed for the purpose of determining market value of the property under Section 47-A of the Indian Stamp Act, 1899. The third respondent ought not to have kept the document pending without registration and without being registered, the document cannot be referred under Section 47-A of the Indian Stamp Act.

6.Therefore, this Court finds infirmity in the order passed by the third respondent dated 05.12.2024 and it cannot be sustained in the eye of law and liable to be quashed.



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7. Accordingly, the order of the third respondent dated 05.12.2024 in Na.Ka.No.249/2024 is quashed. The third respondent is directed to register the document presented by the petitioner for registration within a period of two weeks from the date of receipt of a copy of this order. If the third respondent found that property has been undervalued, he shall very well refer it to the District Collector under Section 47-A of the Act.

8. This Writ Petition is allowed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2024

Index : Yes / No
NCC : Yes / No
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To

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G.K.ILANTHIRAIYAN, J.

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