

W.P.(MD).No.1589 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.1589 of 2025

M/s.Nature Aqua Products,
Represented by its partner,
V.N.Sankar Raja.

.. Petitioner

Vs.

- 1.Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai.
- 2.Deputy Inspector General of Registration,
Ramanathapuram District.
- 3.District Registrar,
District Registrar Office,
58/1, Katchery Road,
Virudhunagar District,
Virudhunagar.
- 4.Sub Registrar,
Office of the Sub Registrar,
Srivilliputhur,
Virudhunagar District.
- 5.District Revenue Officer (Stamps)/
Special Deputy Collector (Stamps),
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, seeking to call for the records



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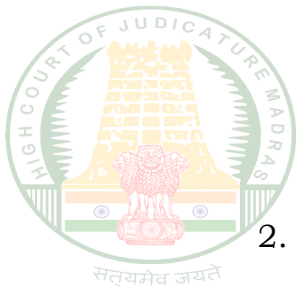
related to the impugned undated notice of the 4th respondent and the other proceeding of the 3rd respondent dated 05.09.2024 in No.2811/Aa2/2024 and quash them both and consequently issue a direction to the respondents to forthwith release the original sale deed executed in favour of the petitioner by Canara Bank (erstwhile Syndicate Bank) and registered in Document No. 6184/2024 on the file of the 4th respondent and remove the charge created upon the property in respect of the deficit Stamp Duty and deficit registration charges and additional charges totalling to a sum of Rs. 20,82,200/-.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

The Writ Petition has been filed challenging the impugned undated notice of the 4th respondent and the other proceedings of the 3rd respondent dated 05.09.2024 in No.2811/Aa2/2024 and consequently, issue a direction to the respondents to forthwith release the original sale deed executed in favour of the petitioner by Canara Bank (erstwhile Syndicate Bank) and registered in Document No.6184/2024 on the file of the 4th respondent and remove the charge created upon the property in respect of the deficit Stamp Duty and deficit registration charges and additional charges totalling to a sum of Rs.20,82,200/-.

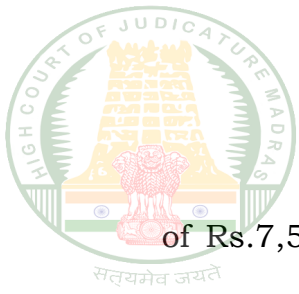


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2. The case of the petitioner is that the property situated in Survey No.510/3, Venkateshwarapuram Village, Tiruvannamalai Panchayat, Srivilliputhur Union, Virudhunagar District belonged to one M.Palaniselvi. The said Palaniselvi had mortgaged the said property with M/s.Syndicate Bank. On account of defaults committed by the said Palaniselvi, Syndicate Bank invoked the provisions of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act (hereinafter referred to as 'SARFAESI Act'). Subsequently, the secured creditor/bank brought the property for public auction. The petitioner pleads that he participated in the said public auction and was declared as the successful bidder.

3. Pursuant to the payment of the amount by the writ petitioner to the secured creditor, the Bank executed a sale deed in favour of the writ petitioner on 09.05.2024. The petitioner states that he had also paid stamp duty and registration charges on the purchase value of Rs.26,00,000/-.

4. The petitioner states that though the amount had been paid, as per law, the fourth respondent kept the document pending assigning it, Pending Document No.21/2024. Subsequently, the impugned notice was issued to the petitioner calling upon him to pay an additional sum of Rs.20,82,200/-. According to the fourth respondent, this amount was arrived at by adding the deficit stamp duty of Rs.13,22,500/- and the deficit registration charges



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of Rs.7,56,000/- together with additional cost of Rs.3700/-. The petitioner was informed that unless and until the said amount is paid, he would not release the document. Thereafter, when the petitioner applied for the encumbrance certificate, it reflected that the document had been referred under Section 47-A of the Indian Stamp Act for undervaluation.

5. Aggrieved over the said notice, the petitioner gave a representation to the first and second respondents. Despite the same, the original document was not released. Hence, the present Writ Petition.

6. I heard Mr.N.Dilip Kumar for the petitioner and Mr.P.T.Thiraviam, learned Government Advocate for the respondents.

7. Mr.P.T.Thiraviam urges that in the light of the judgment of the Full Bench of this Court in **Dr.Thiagarajan Vs. Inspector General of Registration and others, (2019) 6 MLJ 257 (FB)**, even a sale certificate is liable for stamp duty as a conveyance and hence, Section 47-A(1) will be applicable.

8. The position of law has been settled by the Supreme Court at least 15 years ago in **V.N.Devadoss Vs. Chief Revenue Control Officer-cum-Inspector and others, (2009) 7 SCC 438**. The Supreme Court held that in matters relating to public auction, the issue of undervaluation would not



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arise. This position was reiterated in a recent judgment of a Division Bench of this Court in ***Vijayalakshmi Marketing vs. State of Tamil Nadu, (2024) 4 MLJ 754.***

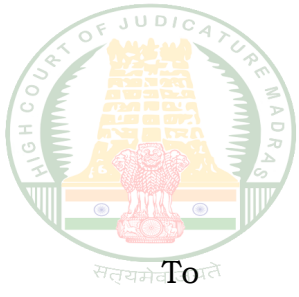
9. It is not in dispute that the petitioner had purchased the property pursuant to a public auction initiated under the SARFAESI Act. I merely have to apply the judgments in *V.N.Devadoss* and *Vijayalakshmi Marketing's* cases to conclude that the reference by the Sub Registrar, under Section 47-A(1) of the Stamp Act read with Tamil Nadu Stamp (Prevention of Undervaluation of Instruments) Rules, 1968, is absolutely untenable.

10. In the light of the above discussion, the Writ Petition stands allowed. The impugned proceedings are quashed. There shall be a direction to the respondents to release the document kept pending in P.No.21/2024 within a period of two (2) weeks from the date of uploading of this order.

11. Post the matter after three weeks 'for reporting compliance.'

28.03.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

1. Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar,
Mandavelipakkam,
Raja Annamalai Puram,
Chennai.

2. Deputy Inspector General of Registration,
Ramanathapuram District.

3. District Registrar,
District Registrar Office,
58/1, Katchery Road,
Virudhunagar District,
Virudhunagar.

4. Sub Registrar,
Office of the Sub Registrar,
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Virudhunagar District.

5. District Revenue Officer (Stamps)/
Special Deputy Collector (Stamps),
Virudhunagar District.



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V.LAKSHMINARAYANAN,J.

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