



W.P.(MD) No.23238 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2025

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.23238 of 2017

M.Alagudurai

... Petitioner

Vs.

1.The District Registrar,
Tenkasi Registration District,
Tenkasi,
Tirunelveli District - 627 811.

2.The Sub-Registrar,
Melaneelithanallur,
Sankarankovil Taluk,
Tirunelveli District - 627 953.

3.I.Maruthapandi

4.M.Irulappapandian

5.M.Ganesan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the first and second respondents to take appropriate action against the third to fifth respondents for their willful suppression of the property details registered in Document Nos.1179/17 and 1180/17 dated 07.08.2017 on the file of



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the second respondent within the time limit that may be stipulated by this Court.

For Petitioner : Mr.K.Gurunathan
For R1 & R2 : Mr.S.P.Maharajan
Special Government Pleader
For R3 to R5 : Mr.F.X.Eugene

ORDER

This Writ Petition has been filed seeking for a direction to the first and second respondents to take appropriate action against the third to fifth respondents for their willful suppression of the details of the property, which have been registered as Document Nos.1179/17 and 1180/17, dated 07.08.2017, on the file of the second respondent.

2. It is the case of the petitioner that the third respondent, being the vendor, and the fourth and fifth respondents, being the purchasers, have willfully suppressed the actual description of the property to evade the stamp duty. That when the petitioner came to know about the same, he sent a representation to the first and second respondents to take action against the third to fifth respondents for their willful suppression of



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details of the property; and that as the same has not been considered, the petitioner has approached this Court by way of the present Writ Petition.

3. The learned counsel for the petitioner would submit that the first and second respondents would have to consider the petitioner's claim based on his representation and take action against the third to fifth respondents.

4. Countering the petitioner's arguments, the learned counsel for the third to fifth respondents would submit that the petitioner is none other than the son of the third respondent and the brother of the fourth and fifth respondents, that due to a family dispute between the parties, the petitioner has filed the present Writ Petition alleging suppression of material facts, that the third to fifth respondents have not suppressed any material facts for the authorities to conduct inquiry; and that the said documents were registered and released by the second respondent in accordance with the due procedure prescribed in this regard.

5. The learned Additional Government Pleader for the first and second respondents would submit that after registering the documents in



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accordance with all due formalities, the documents were released, that if the second respondent had found any infirmities, the same could have been either referred under Section 47A of the Stamp Act, 1899 for determination of the actual value of the property, that such is not the situation in the present case, and therefore, there is no necessity even to grant a mandamus to consider the petitioner's representation.

6. I have considered the rival submissions made on either side and perused the materials available on record.

7. Admittedly, the petitioner has made a complaint regarding the suppression of the description of the property. It is also an admitted fact that the documents have been registered and released. Even if the petitioner's complaint is directed to be enquired into and it is found that the petitioner's complaint is valid, the authorities under the Registration Act can only invoke the power vested in them under Section 47A(3) of the Stamp Act, 1899. Even if they invoke such powers, the statute has limited this by providing a period of limitation of 5 years from the date of registration of the Sale Deed, which is alleged to have been executed based on the suppression of material facts. Seven years have lapsed.



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Therefore, even if a direction is issued to the first and second respondents to consider the representation of the petitioner, they would not be in a position to initiate any proceedings under Section 47A(3) of the Stamp Act, 1899.

8. For the aforesaid reasons, I do not find any reason to grant the mandamus as prayed for, as there is no necessity to invoke Section 47A(3) of the Stamp Act, 1899.

9. Therefore, the present Writ Petition is dismissed with liberty to the petitioner to file appropriate suit. There shall be no order as to costs.

03.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
JEN

Copy To:

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Tenkasi, Tirunelveli District - 627 811.

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K.KUMARESH BABU, J.

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