

Smt. Shanti Devi L. Singh and another v. Tax Recovery Officer and others

Civil Appeal Nos. 1936 and 1937 of 1990

[1990] 2 SCR 627 | 1990-04-23

What must the Sub-Registrar do with a copy of a tax-recovery sale certificate forwarded by the TRO, whether the purchaser must register the original to perfect title, and whether stamp duty or municipal transfer fees were decided in these proceedings.

Second Schedule (tax-recovery sale context)

Two-judge bench | S. Ranganathan, J. | A.M. Ahmadi, J.

Assessment years: See the source-scope notes; no year inferred.

Filing duty decided; stamp duty and municipal fees left open

The Sub-Registrar must file the TRO's forwarded copy, and this tax-sale certificate did not require compulsory registration to perfect title. The Supreme Court expressly left stamp-duty and municipal-transfer-fee liability undecided. Do not turn the ruling into an exemption from those levies or a right to register an insufficiently stamped original. The body controls over more categorical headnote wording; an isolated section 84(4) reference conflicts with the repeated section 89(4) basis. Comprehensive later treatment and 2025 mapping remain unverified.

01 FACTS OF THE CASE

Two purchasers acquired Delhi properties at income-tax recovery auctions and received sale certificates in April and May 1988. The TRO forwarded copies to the Sub-Registrar. The purchasers sought registration-related entries and municipal mutation, but the authorities did not act, apparently because stamp duty or municipal transfer fees had not been paid (physical pages 4–5).

The departmental manual quoted in the judgment said the original certificate and the copy attracted stamp duty but that purchaser registration was unnecessary. A later TRO letter referred to contrary legal advice on stamp duty. The High Court dismissed the writ petitions at admission, applying the purchaser-liability rule in section 29(f) of the Stamp Act absent a contrary contract. The Supreme Court granted leave in both matters and decided them together. No assessment year or amount of the underlying tax demand is established in the judgment (physical pages 4–6).

Source: See the proposition-specific paragraph and PDF-page references below.

02 DISCUSSION BY THE HON'BLE COURT

Rule 21 requires the TRO to send a copy of the sale certificate to the appropriate registering officer. The Court held that a TRO effecting a compulsory sale for recovery of income tax falls within the expression revenue officer in section 89(4) of the Registration Act. The Sub-Registrar must therefore file the forwarded copy in Book No. 1. This was a legal construction of the tax-recovery and registration machinery, rather than merely a direction peculiar to these purchasers (physical pages 5–7).

Registration of an original involves presentation, inquiry, copying and endorsements; filing an officially transmitted copy follows a different process. The Court did not decide whether the processes have the same legal effect for every purpose. For these certificates, section 17(2)(xii) removes compulsory registration: the purchaser's title is not vitiated by non-registration. Filing the copy and the associated indexing provisions provide the relevant public record. The Sub-Registrar need only file the copy, rather than copy the whole instrument out again or make the further Book No. 1 entries sought (physical pages 7–9).

The Stamp Act question was separate. The Court described the High Court's purchaser-liability reasoning as prima facie correct, but did not finally decide whether stamp duty was payable or whether anything said by the TRO amounted to a binding contrary contract. It explained possible adjudication and impounding routes and expressly left liability for normal adjudication if the occasion arose. A quoted departmental manual and the TRO's contrary advice were not adopted as a final exemption or duty determination (physical pages 9–10).

The absence of compulsory registration did not remove the relevant statutory requirements if an original were voluntarily presented. That contingency had not occurred, and the Court reserved the issue rather than giving a final ruling on a refusal of registration. Municipal transfer fees were also left open because the governing provisions and necessary details had not been placed before the Court. The judgment only suggested that their payability might depend on stamp duty; it did not establish that dependency as a concluded rule (physical pages 10–11).

Source: See the proposition-specific paragraph and PDF-page references below.

03 JUDICIAL DECISION

Both appeals were allowed in part. The Sub-Registrar was directed to file the TRO's forwarded copy in Book No. 1 under section 89(4) read with Rule 21. The purchasers were entitled to no further relief in these proceedings. The Court expressed no opinion on stamp duty or municipal transfer fees payable in respect of the original certificate, leaving appropriate proceedings open. There was no order as to costs (physical page 11).

Source: See the proposition-specific paragraph and PDF-page references below.

04 OUTCOME / IN WHOSE FAVOUR

In whose favour: Auction purchasers, to the limited extent of mandatory filing of the certificate copy

Both appeals partly allowed; copy-filing direction; no costs

Final interpretation of the tax-recovery copy-filing duty and non-compulsory registration; stamp-duty and municipal-fee liability reserved

No stamp-duty exemption, municipal mutation award, or unconditional right to register an insufficiently stamped original was adjudicated.

Source: See the proposition-specific paragraph and PDF-page references below.

05 AKHB REVIEW POINT

Keep three questions separate: the TRO's duty to forward a copy, the Sub-Registrar's duty to file it, and the treatment of an original instrument for registration or stamp purposes. Non-compulsory registration of a tax-sale certificate does not itself establish freedom from stamp duty.

For research or a transaction checklist, verify the source of the sale, whether the document is an original or the officially forwarded copy, the particular relief requested and the applicable statutory versions and State provisions. This decision supports the filing duty within the income-tax recovery machinery. It cannot be cited as a final exemption from stamp duty or municipal transfer fees. Comprehensive later treatment and present-law/2025 mapping remain unverified.

Source: See the proposition-specific paragraph and PDF-page references below.

PROPOSITION-SPECIFIC SOURCE PARAGRAPHS AND PDF PAGES

1.

Topic: Identity, date, bench, two appeals and delivery line

Source url: [Open cited source](#)

Pdf pages: 1; 3; 4

Paragraphs: Unnumbered judicial text; SCR 627, 629F–630A

Source role: reported metadata and judicial text

2.

Topic: Two tax-recovery sales and refusal of requested entries

Source url: [Open cited source](#)

Pdf pages: 4; 5; 6

Paragraphs: Unnumbered judicial text; SCR 630B–632B

Source role: judicial text

3.

Topic: Rule 21 and meaning of revenue officer under section 89(4)

Source url: [Open cited source](#)

Pdf pages: 5; 6; 7

Paragraphs: Unnumbered judicial text; SCR 631B–D and 632D–633B

Source role: judicial text

4.

Topic: Filing distinguished from registration; limited Book No. 1 duty

Source url: [Open cited source](#)

Pdf pages: 7; 8; 9

Paragraphs: Unnumbered judicial text; SCR 633B–635C

Source role: judicial text

5.

Topic: Stamp-duty question expressly reserved

Source url: [Open cited source](#)

Pdf pages: 9; 10

Paragraphs: Unnumbered judicial text; SCR 635D–636E

Source role: judicial text

6.

Topic: No compulsory registration; voluntary presentation and municipal fee issues reserved

Source url: [Open cited source](#)

Pdf pages: 10; 11

Paragraphs: Unnumbered judicial text; SCR 636E–637C

Source role: judicial text

7.

Topic: Part allowance, limited direction and no costs

Source url: [Open cited source](#)

Pdf pages: 11

Paragraphs: Unnumbered judicial text; SCR 637C–E

Source role: judicial text

JUDICIAL AUTHORSHIP AND SEPARATE OPINIONS

S. Ranganathan, J.

ACT IDENTIFIED IN THE REVIEWED SOURCE

Income-tax Act, 1961

OTHER STATUTORY PROVISIONS AND THEIR SEPARATE SCOPE

Rule 21, Income-tax (Certificate Proceedings) Rules, 1962; Sections 17(2)(xii) and 89(4), Registration Act, 1908; Sections 51–67, Registration Act, 1908 (registration and filing machinery); Sections 3, 29(f), 31–33, 38 and 56 and Schedule I Article 18, Indian Stamp Act, 1899 (discussion; ultimate stamp-duty liability reserved)

SOURCE & VERIFICATION

Hon'ble Supreme Court source PDF (reported judgment)

Identified source rendition: 11 PDF pages; SHA-256

c42cd5a1ddfae5dc76f53b8bc6479588156aa310448c20e0348802c8dc522316. Original bytes preserved.

Judicial text begins physical page 4/SCR 630 and ends physical page 11/SCR 637. Editorial headnotes on pages 1–3 are distinguished. No adjacent judgment.

Open cited source rendition

The source's editorial treatment of stamp duty and municipal fees is more categorical than the judicial body. The body expressly reserves both liabilities; its suggestion that fees perhaps depend on stamp duty is not a decided dependency rule.; Physical page 6/SCR 632 prints section 84(4) once, while the quoted mechanism, continued reasoning and final direction consistently identify section 89(4). The note uses the latter without treating the isolated reference as a separate provision.; The statement of the second question on physical page 6 refers twice to the TRO in a way that does not align with the following discussion of the Sub-Registrar. The note follows the actual reasoning and disposition rather than reproducing that wording as an independent issue.; Physical pages 9–10 occasionally say certificate of registration while discussing the sale certificate. No different document is inferred.; The historical manual's Rs. 4.50 copy-duty statement is quoted background, not a current rate or an operative levy affirmed by the Supreme Court.; The Court did not decide the equivalence of filing and registration for all purposes, the effect of a possible contrary contract, voluntary original-presentation consequences in the unarisen situation, or the municipal levy.

STATUTORY SCOPE

No automatic mapping to the Income-tax Act, 2025 or present-law certification. Apply the statutory text for the relevant year.

LATER TREATMENT

Source checked 2026-10-04. No comprehensive later-treatment search is certified. Any actually checked later judgment or statute is expressly identified in this note.

IDENTIFIED SOURCE LINKS

reported judgment - PDF pages: 11

SHA-256: c42cd5a1ddfae5dc76f53b8bc6479588156aa310448c20e0348802c8dc522316

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