

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.12551 of 2015

and

M.P.No.1 of 2015

V.Guruswamy Naidu & Co.Pvt. Ltd.,
Rep. by its Mahadevan.

.. Petitioner

Versus

1 The Inspector General
-Registration No.100 Santhome High Road
Chennai 600 028

2 The District Registrar(AIG)
Chennai North No.1 Murthygal Lane Rajaji
Salai Chennai 600 001

3 The Sub Registrar
Ambattur Municipality community hall
Gopalasamy street Ram Nagar
Chennai - 600 053

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, Calling for the records of the 3rd respondent issued vide impugned notice dated 25/09/2014(received on 03/02/2015) based on the Audit Report of Accountant General Office no.20-54/2014-15 dt 04/08/2014 (Para I/IIA) issued in relation to the mortgaged Deed Bearing Doc no.8400/2013 in the office of the 3rd respondent and quash the same and consequently direct the 1st Respondent Department to refund the sum of Rs.2,03,00,000/-(Rupees Two Crores and Three Lakhs Only) Collected pursuant to the impugned notice.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.Durai Solaimalai
Additional Government Pleader.

O R D E R

By consent, the main writ petition is taken up for final disposal.

2. The petitioner claims that it is a reputed Real Estate Developer and engaged in developing residential projects in and around Chennai City and they presented two Mortgage Deeds for registration on 22.01.2015 and it was kept pending in Nos.319 & 320 of 2014 on the file of the 3rd respondent. Subsequently, the petitioner in their representation dated 27.01.2015 prayed for release of pending document and even prior to that the impugned demand notice dated 25.09.2015 was issued calling upon the petitioner to make the payment and the petitioner has also paid Rs.2,03,00,000/- (Rupees Two Crores and Three Lakhs) under protest and prayed for return of the documents. Later the documents were returned and the petitioner prayed for return of the amount paid. Since they have not received any response, submitted a detailed representation dated 19.03.2015 to the 1st respondent bringing out to his knowledge the events happened earlier and though, it has been acknowledged on 20.03.2015, the petitioner has not been favoured with any response, hence, came forward to file this writ petition.

3. The learned counsel appearing for the petitioner submitted that the 1st respondent on receipt of the representation has addressed a letter to the 2nd respondent on 30.03.2015, seeking certain clarifications and the 2nd respondent did not respond to the same and hence, the petitioner is constrained to file this writ petition.

4. This Court heard the submissions of Mr.Durai Solaimalai, learned Additional Government Pleader, who accepts notice for respondents 3 and 4.

5. Though the petitioner has sought for a larger relief, in the facts and circumstances of this case, is of the view that it would be suffice to direct the 1st respondent to consider and dispose of the petitioner's representation dated 19.03.2015, within a stipulated time.

6. In the result, this Court, without going into the merits of the said representation, directs the 1st respondent to consider the representation dated 19.03.2014, submitted by the petitioner, on merits and in accordance with law, and pass orders as expeditiously as possible and not later than six weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner.

7. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

ars

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Inspector General
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+ 1 cc to Mr.A.Jenasenan, Advocate SR 23142

+ 1 cc to Govt.Pleader SR 23257

cnr(co)
prk26/5

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