

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20187/2016 & WMP.No.17365/2016

M/s.Mundhra Bullion Private Limited
rep.by its Director Mr.Abhishek Mundhra
No.20, Thulasingham Street
Sowcarpet, Chennai 600 079. ..Petitioner

Versus

- 1.The Appellate Authority
The Inspector General of Registration
[Principal Revenue Control Officer]
Office of the Registration Department
No.100, Santhome High Road,
Chennai 600028.
- 2.The Joint Sub Registrar-I
District Registrar Rank
Coimbatore. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to consider and dispose of the petitioner Appeal dated 02.03.2015 represented on 31.03.2016 after affording an opportunity of hearing to the authorised representative of the petitioner company within a time frame.

For Petitioner : Mr.R.Gopinath for
M/s.Mcgan Law Firm
For Respondents: Mr.R.A.S.Senthilvel, AGP

ORDER

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

2 The petitioner would state that their company had purchased a property vide Sale Deed dated 19.11.2014, kept as pending Document No.81/2014 and it was executed for a sale consideration of Rs.1.20 Crores. However, the 2nd respondent, on a complete misconception, sent a notice dated 17.12.2014 demanding an additional stamp duty of 5% on the ground that it is a sale and assignment of debts. The petitioner has also responded to the said notice through his lawyer, by way of a reply dated 02.01.2015. However, the 2nd respondent vide order

dated 12.02.2015, has confirmed the order and called upon the petitioner / Company to remit the deficit stamp duty of Rs.6 lakhs along with penalty of Rs.1000/- forthwith and challenging the legality of the said order, the petitioner has preferred an appeal dated 02.03.2015 before the 1st respondent and since it is not yet disposed of, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4 This Court, taking into consideration, the limited scope of the prayer sought for by the petitioner and without going into the merits of the same, directs the 1st respondent to consider and dispose of the petitioner's appeal Memorandum dated 02.03.2015 and represented on 31.03.2016 on merits and in accordance with law, after providing an opportunity of personal hearing to the representative of the petitioner/ Company and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Appellate Authority

The Inspector General of Registration
[Principal Revenue Control Officer]
Office of the Registration Department
No.100, Santhome High Road,
Chennai 600028.

2.The Joint Sub Registrar-I

District Registrar Rank
Coimbatore.

+1cc to M/s. Mcgan Law Firm, Advocate, S.R.No.32884
+1cc to the Government Pleader, S.R.No.32979

MP (CO)

EU(30/06/2016)

W.P.No.20187/2016