

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.21873/2016

1.Ananthi

2.Moses Prakash

Both petitioners rep. by their
Power of Attorney, Axis Bank Ltd.,
rep. by its vice President

..Petitioners

Versus

1.The Inspector General
of Registration
Registration Department
Pattinapakkam, Santhome High Road
Chennai 600 028.

2.The Sub Registrar,
Kunrathur, Chennai-600 069

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 2nd respondent to return the sale deed dated 02.06.2012 without insisting upon the production of Receipt No.20120051 dated 04.06.2012 to Axis Bank Ltd on payment of deficit stamp duty as demanded by the 2nd respondent.

For Petitioners : Mr.A.K.Sriram for
M/s.A.S.Kailasam Assoc
For R1 & R2 : Mr.R.Vijayakumar, AGP

ORDER

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

2 The petitioners would state that they represent their Power Agent namely Axis Bank, Kodambakkam, Chennai-24 by virtue of Deed of Power of Attorney dated 25.05.2012 and in the affidavit filed in support of this writ petition, it is averred among other things, that the petitioners have availed "Power Home Loan" and accordingly, Home Loan Agreement came into being between the petitioners and the Bank on 25.05.2012 and as per Clause 7 of the Agreement, the petitioners promised to create a mortgage interest over the property in favour of

the Bank and as per Clause 8.1[b], they had also agreed to make available the sale deed to the Bank as security for the loan borrowed. Accordingly, the Bank disbursed the loan amount to the tune of Rs.29,75,149/- in favour of Rani Ammal, the seller on the basis of the Disbursement Request Letter dated 25.05.2012 submitted by the petitioners. However, the sale deed executed in favour of the petitioners has been impounded for deficit stamp duty u/s.47-A of the Indian Stamp Act, and the same has not been made good by the petitioners for the reasons best known to them. The petitioners in this regard, have also submitted a representation dated 22.01.2016 to the Registrar, undertaking to pay the necessary stamp duty for the sale deed bearing Receipt No.20120051 and since no response is forthcoming, the petitioners came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner ; Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the facts and circumstances, permits the petitioners to submit one more representation to the 2nd respondent along with a copy of this order as well as the copy of their earlier representation dated 22.01.2016 to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, is directed to consider the said representation and dispose of it in accordance with law, after putting on notice the petitioners, viz., Moses Prakash and Ananthi, W/o.Moses Prakash communicate the decision taken, to the petitioners.

5 The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy/

Sub Assistant Registrar

AP

To

1.The Inspector General of Registration

Registration Department

Pattinapakkam, Santhome High Road Chennai 600 028.

2.The Sub Registrar, Kunrathur, Chennai.

+lcc to Mr.A.S. Kailasam & Associates, S.R.No.35554

+lcc to the Government Pleader, S.R.No.35957

SKV(CO)

EU(20/07/2016)