

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23-09-2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.1681 of 2013

Mr.S.Jayasunder

.. Petitioner

Vs

1.The Inspector General of Registration
Santhome
Chennai.

2.The Sub Registrar
Sowcarpet Sub Registrar Office
Chennai.

... Respondents

Prayer : The writ petition is filed to issue a Writ of Mandamus, directing the second respondent Sub Registrar, to receive the sale certificate No.4 of 2012, dated 27.2.2012 issued in favour of the petitioner by the Recovery Officer, Debts Recovery Tribunal II, Chennai, in respect of the premises bearing Door Nos.22 and 23, Old Door Nos.24 and 24-A, situated at Nainiappa Naicken Street, Park Town, Chennai-3, comprised in Re-survey No.10196, Old Survey No.758, having an extent of 1199 sq.ft., and to file it in Book No.1 being maintained by him, under Section 89 (4) of the Registration Act, without insisting for the payment of any Stamp Duty and Registration Fees on the market value of the said property.

For Petitioner : M/s.N. Nagu Sah
For Respondents : Mr.V. Jayaprakash Narayanan
Special Govt. Pleader.

O R D E R

Heard.

2. This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the second respondent Sub Registrar, to receive the sale certificate No.4 of 2012, dated 27.2.2012, issued in favour of the petitioner, by the Recovery Officer, Debts Recovery Tribunal II, Chennai, in respect of the premises bearing Door Nos.22 and 23, Old Door Nos.24 and 24-A, situated at Nainiappa Naicken Street, Park Town, Chennai-3, comprised in Re-survey No.10196, Old Survey No.758, having an extent of 1199 sq.ft., and to file it in Book No.1 being maintained by him, under Section 89 (4) of the Registration Act, without insisting for the payment of any Stamp Duty and Registration Fees on the market value of the said property.

3. At this stage of the hearing of the writ petition, though various grounds have been raised in the affidavit filed in support of the writ petition, the learned counsel, appearing on behalf of the petitioner has submitted that it would suffice, if the petitioner is permitted to submit a representation, along with a copy of the sale certificate, dated 27.2.2012, issued by the Recovery Officer, Debts Recovery Tribunal - II, Chennai, and on receipt of the same, the second respondent is directed to dispose of such representation, on merits and in accordance with law, within the time frame, as may be fixed by this Court.

4. In view of the averments made in the affidavit filed in support of the writ petition and in view of the submissions made by the learned counsel, appearing on behalf of the petitioner, this Court finds it appropriate to permit the petitioner to submit his representation, along with a copy of the sale certificate, dated 27.02.2012, issued by the Recovery Officer, Debts Recovery Tribunal - II, Chennai, as well as a copy of this order, to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the second respondent shall consider and dispose of the same, on merits and in accordance with law, within a period of four weeks, thereafter, after giving an opportunity of hearing to the petitioner, as well as to the other persons concerned, if any. However, it is made clear that this Court has not expressed any opinion on the merits of the matter, by passing this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

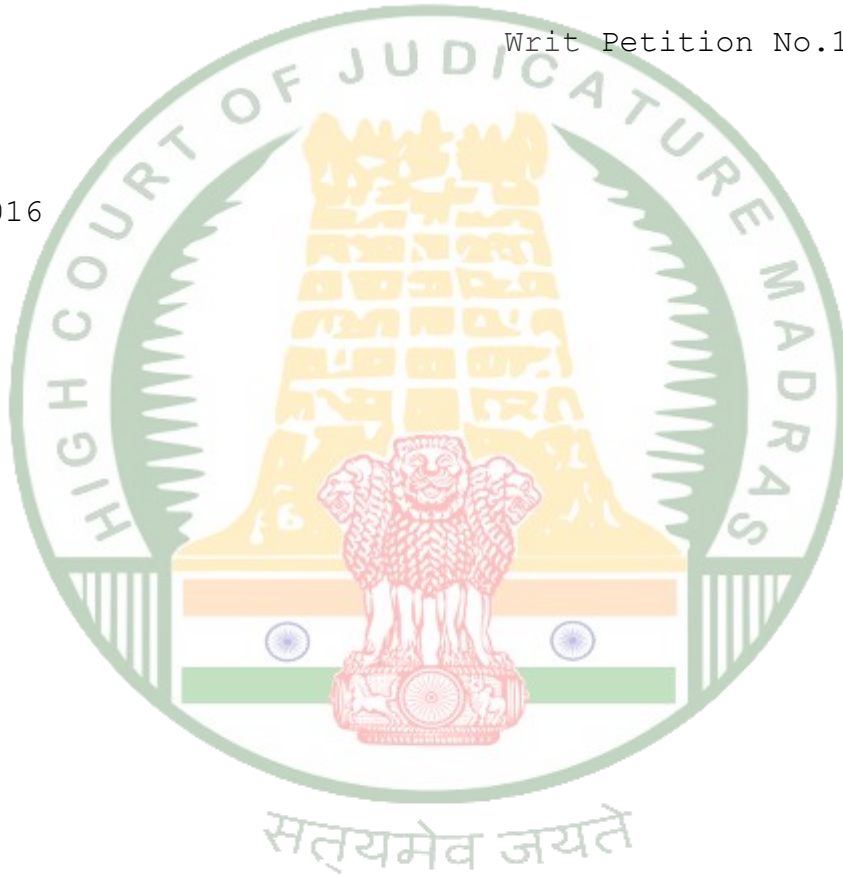
1.The Inspector General of Registration
Santhome
Chennai.

2.The Sub Registrar
Sowcarpet Sub Registrar Office
Chennai.

+1 cc to Mr.N.Nagusah Advocate sr 54388

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