

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Writ Petition No. 42890 of 2015

Padam J.Challani

... Petitioner

Vs.

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

2. The Sub-Registrar,
Vadalur,
Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to consider the representation of the petitioner dated 18.11.2016

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mr.S.Rajeswaran,
Special Government Pleader

ORDER

By consent, the Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the first respondent to consider the representation of the petitioner dated 18.11.2016 wherein he has sought for issuance of appropriate direction to the second respondent to register the document pertaining to the deposit of title deeds executed by the petitioner in favour of State Bank of India, Overseas Branch, Chennai.

3. The case of the petitioner is that he purchased the lands and building comprised in S.No.1/1, 1/2, 1/3, 1/5, 2/1, 2/5, 3/1 to 3/5, 3/6, 3/7 to 3/14, 3/15, 4 of Serakuppam village, Vadalur Taluk, Cuddalore District totally measuring 59.11 acres through

sale by public auction held on 19.12.2002 by the Registrar of the Mumbai Debts Recovery Tribunal-I, for a sale consideration of Rs.8,50,00,000/-, which auction sale was confirmed by order dated 16.1.2003 and the sale certificate was issued to the petitioner on 9.7.2003. After the purchase, the petitioner had executed a registered power of attorney dated 21.1.2004 executed in the office of the second respondent in favour of one Tmt.Suguna Ravichandran, Director of Sri Veda Creations to deal with the lands and also another registered power of attorney in favour of S.V.Rangasamy and another to deal with the lands on 16.10.2007 executed in the office of the second respondent and retained an extent of 51,692.5 square foot of land which he wanted to utilise by mortgaging the same by deposit of title deeds in favour of State Bank of India, Overseas Branch, Chennai for the financial assistance that he was going to obtain in favour of a company floated by the petitioner as a collateral security to the financial assistance that was going to be disbursed. The petitioner, after preparing the documents for the deposit of title deeds, had approached the office of the second respondent and also paid the requisite stamp duty of Rs.25,000/- as well as the registration charges of Rs.5,100/- and submitted the documents. However, to the shock and surprise of the petitioner, the second respondent has rejected stating that the petitioner had not paid stamp duty on the sale certificate issued by the Recovery Officer of Mumbai Debts Recovery Tribunal-I on 09.07.2003 and demanded a stamp duty at the rate of 5% and registration fee of 1% on the value of the auction sale, namely, Rs.8,50,00,000/- and that the document will be entertained only if the stamp duty and registration fee as claimed by the second respondent is paid by the petitioner. It is the further case of the petitioner that the second respondent has not raised the issue at the time of registering the power of attorney deed or during the subsequent sale deeds being executed by the power agents and has now refused to entertain the document. Since the second respondent has refused to entertain the document, the petitioner not only loses the opportunity of availing the loan from the bank but also had to lose the various charges paid by the petitioner for sanctioning the loan by way of inspection and other expenses. The petitioner made a representation to the respondents on 18.11.2016 and the same had been received by the respondents on 21.11.2016. However, the respondents have not taken any steps. Hence, the Writ Petition has been filed seeking the relief stated supra.

4. Mr.R.Karthikeyan, the learned counsel for the petitioner, would submit that the petitioner would be satisfied, if the first respondent is directed to consider and dispose of the representation of the petitioner, dated 18.11.2016 within a reasonable time fixed by this Court.

5. Mr.S.Rajeswaran, the learned Special Government Pleader, who takes notice on behalf of the respondents, has got no serious objection in directing the 1st respondent to consider the representation of the petitioner, dated 18.11.2016 and to pass appropriate orders, on merits and in accordance with law.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the representation of the petitioners, dated 18.11.2016, and pass appropriate orders, on merits and in accordance with law, as expeditiously as possible, preferably within a period of three weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector General of Registration,
Santhome High Road,
Santhome,
Chennai - 600 028.
2. The Sub-Registrar,
Vadalur,
Cuddalore District.

+1cc to Mr.R.Karthikeyan, Advocate, S.R.No.72747

+1cc to the Government Pleader, S.R.No.73287

EV(CO)
CA(26/12/2016)

W.P.No.42890 of 2016