IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.02.2017

Coram

The Hon'ble Mr.Justice NOOTY. RAMAMOHANA RAO
and
The Hon'ble Mr.Justice S.M.SUBRAMANIAM

W.A. No.92 of 2017 & C.M.P.Nos. 519 & 520/2017

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

2. District Registrar,
   Tuticorin, Melur.

3. Sub-Registrar,
   Tuticorin, Melur. .. Appellants/Respondents 1 to 3

Versus

1. M/s. APM Terminals India Pvt. Ltd.,
   Urimi Estate, 11th Floor, Tower A,
   Ganpatrao Kadam Marg,
   Lower Parel, Mumbai-400 013.
   Rep. by its Authorized Signatory
   Mr.A.Samuel Ernest. ...1st Respondent /Petitioner

2. M/s. Hari & Co.,
   4/29E, Madurai By Pass Road,
   Tuticorin- 628 006. ..2nd Respondent/4th Respondent

Appeal filed under Clause 15 of the Letters Patent, against the order dated 17.11.2016, passed in W.M.P.No.34112 of 2016 in W.P.No.40067 of 2016, by the learned single Judge.

Prayer in WMP.34112/16 Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondent No 1 to 3 to register the document No.P 16/16 in such form and manner pending the 40067/16.

Prayer in mp 40067/16: Petition under Art 226 of Writ of certiorarified Mandamus, calling for the records pertaining to be impugned Orderspassed by the 1st respondent in LetterNo.D.Dis.No.47045/P1/2016 dated 08.02.2016 and quash the same and consequently direct the Respondent Nos. 2 and 3 to forthwith drop all further proceedings in relation to Document No.P16/2016 that was keept peending by the 3rd Respondent.

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For Appellants .. Mrs.A.Srijayanthi, Spl.G.P

For Respondent-1 .. Mr.P.H.Aravind Pandian, Senior Counsel.

JUDGMENT

(Delivered by NOOTY.RAMAMOHANA RAO, J)

This appeal is a clear example as to how the process of preferring an in house appeal is sometimes abused by the Government and their agencies. The precious financial resources of the State are unnecessarily squandered by indulging in unwarranted and frivolous litigation. It also creates additional pressure on the already docket exploding situation prevailing in courts.

2. The first respondent herein was the writ petitioner who presented an agreement to lease out immovable property for Registration. The primary authority levied a sum of Rs.94,88,880/- towards a deficit Stamp Duty and also demanded a sum of Rs.80,000/- towards Bank Guarantees and a sum of Rs.30,000/- towards registration fees, totalling to Rs.96,23,760/. It is against this demand when the writ petition is instituted, the learned single Judge exercised the discretion and without prejudice to the contentions raised by the writ petitioner in the matter granted an interim direction to the petitioner to pay a sum of Rs.50,00,000/- out of the demanded amount of Rs.96,26,760/- and for the balance money a Bank Guarantee was ordered to be furnished which shall be initially valid for a period of two years and to be renewed periodically till such time the controversy comes to an end. We could not have found a more equitable order that could have been passed in the situation prevailing.

3. Mrs.A.Srijayanthi, learned Special Government Pleader would contend that in fact when the document has been referred under Section 47A of the Stamp Act, the value of the property which is sought to be conveyed was determined to be far higher and consequently the deficit stamp duty has been raised to Rs.5.00 Crores. Therefore, the learned Special Government Pleader would contend that the interim order in question passed by the learned single Judge requires interference.

4. We are at a loss to appreciate such a contention. The post events cannot be normally looked into for the purpose of adjudicating the correctness of the previous events. In the instant case, the cause upon which the writ petitioner is rested is the demand made for Rs.96,23,760/-. Any subsequent determination of the value of the property conveyed would be the

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subject matter of separate or independent proceedings but not directly connected to the present proceedings.

5. In that view of the matter, we will dismiss this writ appeal imposing token costs of Rs.500/-. The State Government shall pay the amount first to the Tamil Nadu State Legal Services Authority and recover the same by fixing responsibility and accountability from the person concerned later on. Consequently, C.M.P.Nos. 519 & 520/2017 are closed.

6. Registry to mark a copy of this judgment to the Principal Accountant General, Tamil Nadu, Chennai, who shall furnish a certificate within a maximum period of three months to the Registrar Judicial that the State Government has recovered the costs from the authority concerned.

sd/
Assistant Registrar(CO)

/true copy/

Sub Assistant Registrar

To
1.The Inspector General of Registrater.
100,Senthom High Road,
Chennai.

2.The District Registrar,
Tuticorin melulr.

3.The Sub Register,
Tuticorin Melur

4.Principal Accountant General
Tamilnadu State legal services Authority
High Court, Madras.

5.The Secretary,
Tamil Nadu State legal services Authority,
High Court, Madras.

6.The Registar Judicial,
High Court, Madras.

+1cc to Government Pleader SR.No.6917
+1cc to Mr.Fox Mardal Associations Advocate Sr.No.6445.

W.A.No.92 of 2017

RSY(CO)
GN(10/02/2017)

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