

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.23088 of 2017

M/s. Caspia Hotel Pvt.Ltd.,
B-7, Om Parshwanth Apartments,
Desai and Sheth Nagar, Sai Baba Nagar,
Borivali(West) Mumbai, Mumbai City.

Local Office:
469/2B Civil Aerodrome,
Airport Road, Kalapati village,
Sitra,
Coimbatore.

.. Petitioner

Vs.

1. The Chief Controlling Revenue Authority
and Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.

2. The District Registrar (AIG Grade)
Additional Inspector General
District Registrar Office,
Collectorate Compound,
Coimbatore Town - 641 018.

3. The Sub-Registrar,
Gandhipuram Sub-Registrar Office,
Kalapatti Road,
Saravanampatti,
Coimbatore.

4. The Registrar General,
High Court,
Madras.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd and 3rd respondents to consider the petitioner's representation dated 18.07.2017 requesting the said respondents to withdraw the amount of Rs.63.00 lakhs (54

lakhs + 9 lakhs) with accumulated interest that had been deposited on 21.09.2010 in terms of the order of this Honourable Court dated 13.09.2010 in W.P.No.20057 of 2010 with the 4th respondent towards the deficit stamp duty and registration fee and consequently direct the 2nd and 3rd respondents to remove the charge of deficit stamp duty encumbered on the petitioner's property.

For Petitioner: Mr.G.Jeremiah

For Respondents: Mr.R.Govindasamy,
Special Government Pleader for R1 & R3
Mr.B.Vijay for R4

O R D E R

The petitioner seeks for a Mandamus directing the second and third respondents to consider their request made through representation dated 18.07.2017 and remove the charge of deficit stamp duty encumbered on the petitioner's property, after withdrawing the amount of Rs.63 lakhs with accumulated interest that had been deposited on 21.09.2010 to the credit of this Court in W.P.No.20057 of 2010.

2. Heard both sides.

3. It is seen that a sale deed executed in favour of the petitioner under Document No.2998/2010 on the file of the 3rd respondent, was not returned on the ground that deficit stamp duty to the tune of Rs.63 lakhs is due from the petitioner. The petitioner approached this Court and filed a writ petition in W.P.No.20057/2010 seeking for release of the said document. By an order dated 13.09.2010, this Court directed the petitioner to deposit the said sum of Rs.63 lakhs to the credit of this Court and on such deposit, the Registering Authority was directed to release the said document. In compliance of the said order, the petitioner has deposited the said sum and the same is deposited in a fixed deposit account by the Registry of this Court. The said fact is evident from the report filed by the Registrar General, High Court, Madras, dated 12.10.2017.

4. Now, the petitioner is not interested in contesting the matter further after his appeal before the Inspector General of Registration also came to be dismissed. Therefore, the petitioner seeks for deleting the endorsement made in the encumbrance by agreeing that the amount already deposited by the petitioner before this Court can be withdrawn by the Registration Department.

5. Learned Special Government Pleader appearing for the respondents 1 to 3 submitted that if the amount lying in the credit of this Court is permitted to be withdrawn with interest, there will not be any impediment for the Registration Department to delete the entry in the document as well as in the encumbrance register.

6. Considering the above said facts and circumstances and the submission made by the learned counsel appearing for both sides, the 4th respondent/ Registry is directed to release the deposited amount with accrued interest in favour of the 3rd respondent within a period of seven days from today. On receipt of such amount from the Registry, the 3rd respondent shall do the needful to delete the relevant entry made in the sale deed and in the encumbrance and other connected records of the Department forthwith, at any event, before 20.12.2017. Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-XI)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Chief Controlling Revenue Authority
and Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 28.
2. The District Registrar (AIG Grade)
Additional Inspector General
District Registrar Office,
Collectorate Compound,
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3. The Sub-Registrar,
Gandhipuram Sub-Registrar Office,
Kalapatti Road,
Saravanampatti,
Coimbatore.

4. The Registrar General,
High Court,
Madras.

+1cc to Mr.B.NAMBISELVAN Advocate, S.R.No. 86499

W.P.No.23088 of 2017

TR(07/12/2017)



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