

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.10071 and 10072 of 2018 and
W.M.P. Nos.12029 and 12031 of 2018

1.Cheran Real Estates LLP
2.Cheran Sky Scrapers LLP
3.Cheran Township Developers LLP
4.Cheran Villas LLP
5.Kongu Dwellers LLP

all are rep. by its authorised signatory
Mr.N.Nagappan

.. Petitioners in W.P. No.10071 of 2018

1.Cheran Promoters LLP
2.Cheran Dwellers LLP

both are rep. by its authorised signatory

Mr.N.Nagappan .. Petitioners in W.P. No.10072 of 2018

-vs-

1.The Inspector General of Registration,
Santhome High Road,
Chennai - 600 028. ... 1st respondent in both W.Ps

2.The Sub Registrar,
Komarapalayam - 638 183.

.. 2nd respondent in W.P. No.10071 of 2018

2.The Sub Registrar,
Mettupalayam.

.. 2nd respondent in W.P. No.10072 of 2018

3.International Asset
Reconstruction Co. Pvt. Ltd.,
No.2-B, K.G.Retreat,
G.N.Chetty Road,
T.Nagar, Chennai-600 017.

.. 3rd respondent in both W.Ps

Prayer in W.P. No.10071 of 2018: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to register the pending documents viz. (1)P 201800002 (2)P 201800006 (3)P 201800003 (4)P 201800005 and (5)P 201800004 and release the same

to the petitioners within a fixed time frame.

Prayer in W.P. No.10072 of 2018: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second respondent to register the pending documents viz. (1)P 201800004 (2)P 201800002 and (3) P 201800003 and release the same to the petitioners within a fixed time frame.

For Petitioners :: Mr.B.Raviraja in both W.Ps

For Respondents :: Mr.S.R.Rajagopal,
Additional Advocate General
assisted by
Mr.T.M.Pappiah,
Special Government Pleader
for R1 and R2 in both W.Ps

No appearance for R3 in both W.Ps

COMMON ORDER

The petitioners have come to this Court seeking a direction to the second respondent to register the pending documents viz. (1)P 201800002 (2)P201800006 (3)P201800003 (4)P201800005 (5) P201800004 (6)P 201800004 (7)P 201800002 and (8)P 201800003 and release the same to them within a fixed time frame.

2.Learned counsel for the petitioners would submit that the Sub Registrar, the second respondent herein is withholding the above eight documents, namely, five documents in Komarapalayam and three documents in Mettupalayam on the office of the Sub Registrar on the ground that the petitioners have not paid sufficient Stamp Duty. He would further submit that the petitioners are liable to pay only 5% of stamp duty which were already paid, since the sale of properties was effected by the third respondent under the SARFAESI Act.

3.However, refuting the above claim, learned Additional Advocate General appearing for respondents 1 and 2 would submit that the sale certificate issued under SARFAESI Act can be valued only under Article 18(c) read with Article 23 of the Stamp Act. He would further submit that if the petitioners come forward to pay the entire amount, all the documents could be released.

4.Since the petitioners have come forward to pay 7% of the stamp duty on all the instruments registered by the second respondent, the second respondent is directed to receive 7% of the stamp duty on all those instruments withheld by him. Needless to mention that on receipt of the above 7% of the stamp

duty, all the documents shall be returned to the petitioners on the following working day.

4. Accordingly, these writ petitions are disposed of. The petitioners are at liberty to challenge the collection of 7% stamp duty on all the instruments in the manner known to law. No costs. Consequently, connected W.M.Ps are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vga

To

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

2.The Sub Registrar,
Komarapalayam - 638 183.

3.The Sub Registrar,
Mettupalayam.

+1cc to Mr.B.Raviraja, Advocate sr.no.42907

+1cc to Government Pleader in sr.no.43639

+1cc to Mr.B.Raviraja, Advocate sr.no.42907

(09/07/2018)

सत्यमेव जयते

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W.M.P. Nos.12029 and 12031 of 2018

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