

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.17137 of 2018

M/s DLF Energy Private Limited
represented by its Authorised Signatory
Mr.Ramesh Kondalswamy
having registered office at
10th Floor, Gateway Tower, DLF City
Phase III, Gurgaon
Haryana 122 002
Gurgaon

and its Corporate office at
No.268, Poonamallee High Road
Kilpauk, Chennai 600 010 .. Petitioner

-vs-

1. The Inspector General of Registration
and Chief Revenue Authority
Chennai 600 028

2. The Sub Registrar
Adyar
No.51, Kamraj Avenue 2nd Street
Adyar
Chennai 600 020 .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Certiorarified Mandamus,
calling for the records of the second respondent relating to the
impugned letter No.441/2018 dated 16.05.2018 and quash the same
and consequentially direct the second respondent to take on file
the pending sale deed P83 of 2018, register the same and release
the said document to the petitioner.

For Petitioner :: Mr.R.Thiagarajan
Senior Counsel for
M/s Aiyar and Dolia

For Respondents :: Mr.T.M.Pappiah
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 16.5.2018, in and by which the Sub Registrar, Adyar, Chennai, the second respondent herein has refused to register the sale deed in pending Document No.83 of 2018.

2. Mr.R.Thiagarajan, learned senior counsel for the petitioner submitted that for registration of the sale deed, when the petitioner has presented the instrument along with the sufficient stamp duty as well as the usual registration charges, the second respondent is bound to accept the registration of the instrument and thereafter return the same back to the petitioner. But in the present case, when the petitioner has offered stamp duty more than the guideline value, the second respondent cannot again insist upon the petitioner to pay the stamp duty on the earlier lease deed dated 6.6.2011 in pending Document No.61 of 2011, which is the subject matter of challenge in C.M.A.No.2638 of 2012 before this Court.

3. It is at this stage the learned Special Government Pleader for the respondents submitted that if the petitioner comes forward, in lieu of stamp duty, to furnish bank guarantee for a sum of Rs.60,00,000/-, accepting the bank guarantee to be furnished by the petitioner, the sale deed will be registered and released to the petitioner.

4. In reply, the learned senior counsel for the petitioner, readily agreeing to the said course, also submitted that the petitioner is ready to furnish the bank guarantee for a sum of Rs.60,00,000/- and keep it alive till the issue is decided finally.

5. In view thereof, this Court hereby directs the petitioner to furnish bank guarantee, in lieu of stamp duty, for a sum of Rs.60,00,000/- and on receipt of the same, the second respondent is further directed to register the sale deed and release the same to the petitioner within a period of two weeks therefrom. Needless to mention that the bank guarantee shall also be kept alive. With this direction, the writ petition stands disposed of. Consequently, W.M.P.Nos.20397 & 20398 of 2018 are closed. No costs.

Sd/-

Assistant Registrar(CS IX)

//True copy//

Sub Assistant Registrar

ss

To

1. The Inspector General of Registration
and Chief Revenue Authority
Chennai 600 028

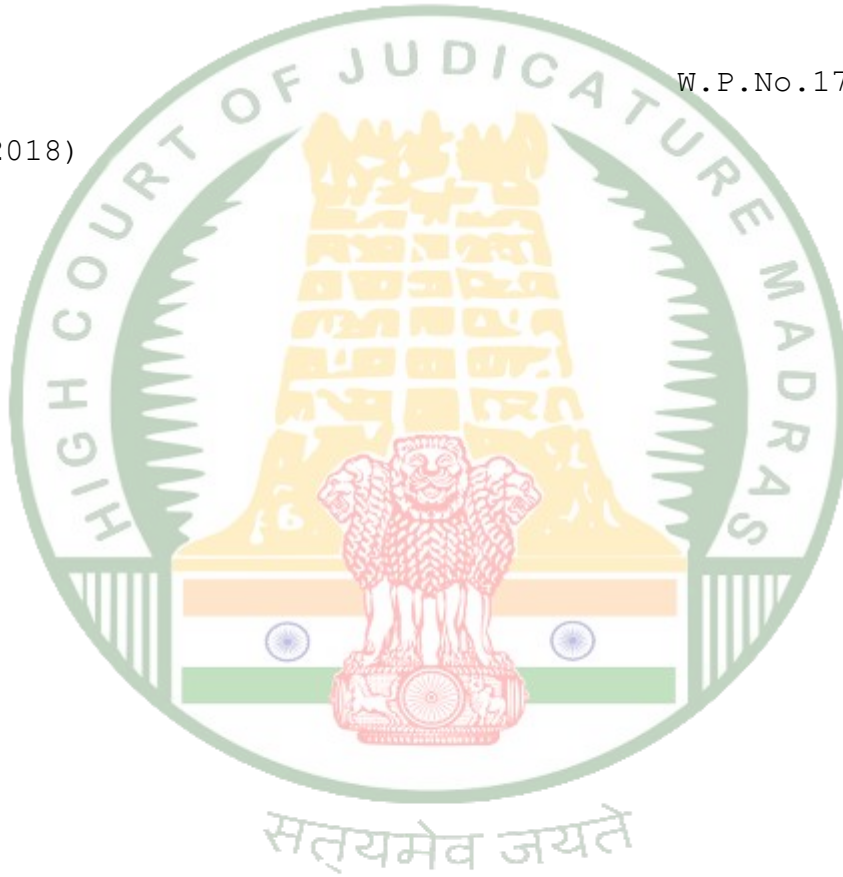
2. The Sub Registrar
Adyar, No.51, Kamraj Avenue 2nd Street
Adyar, Chennai 600 020.

+1cc to Mr. Aiyar and Dolia, Advocate SR.No.53509

+1cc to Government Pleader SR.No.54106

W.P.No.17137 of 2018

GN(09/08/2018)



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