

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.1480 of 2016

M/s.Sharon Hospitality Pvt. Ltd.,
Rep. by its Director,
No.23, Poonamallee High Road,
Periamet,
Chennai - 600 003. ... Petitioner

Vs.

- 1.The Sub Registrar,
Office of the Sub Registrar,
Periamet,
Chennai - 600 003.
- 2.The District Revenue Officer,
Collectorate Office,
Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai. ... Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to forthwith release the original Sale Deed dated 28.05.2015, registered as document No.1566 of 2015 on the file of the Sub Registrar, Periamet, Chennai - 3.

For Petitioner : Ms.AL.Ganthimathi

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

O R D E R

The writ petition has been filed seeking a direction to the respondents herein to release the original Sale Deed dated 28.05.2015 forthwith, registered as document No.1566 of 2015 on the file of the Sub Registrar, Periamet, Chennai - 3.

2. Heard the learned counsel appearing on both sides.

3.The sale consideration of the property is arrived at Rs.3,50,00,000/- (Rupees Three Crores and Fifty Lakhs only), whereas, the value of the land is estimated at Rs.25,61,62,500/- (Rupees Twenty Five Crores Sixty One Lakhs Sixty Two Thousand and Five hundred only) by the second respondent and a sum of Rs.1,80,99,200/- (Rupees One Crore Eighty Lakhs Ninety Nine Thousand and Two hundred only) was directed to be paid as stamp duty and there is a difference in stamp duty of Rs.1,56,49,200/- (Rupees One Crore Fifty Six Lakhs Forty Nine Thousand and Two hundred only). The petitioner is opposing the valuation as excessive. As the sale deed is not returned for want of payment of deficit stamp duty, the writ petition has been filed.

4. In the proceedings for alleged under valuation of the property under Section 47-A of the Stamp Act, the order was passed on 13.01.2017, against which, only Civil Miscellaneous Appeal will lie. Therefore, the petitioner seeks to withdraw this writ petition with liberty to file C.M.A. before the Inspector General of Registration. The learned counsel appearing for the petitioner has also made an endorsement in the petition to that effect.

5. Accordingly, the writ petition is dismissed as withdrawn with liberty to the petitioner to file appropriate appeal before the Inspector General of Registration. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Sub Registrar,
Office of the Sub Registrar,
Periamet,
Chennai - 600 003.

2.The District Revenue Officer,
Collectorate Office,
Singaravelar Maaligai,
No.62, Rajaji Salai,
Chennai.

+1cc to Ms.AL.Ganthimathi, Advocate SR.No. 30164

+1 cc to Government Pleader SR.NO. 31045

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