

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No. 21147 of 2019

Aascar Films Private Limited

A Company incorporated under the Companies Act, 1956

and having its Registered Office at No.9, 10th

Avenue, Ashok Nagar,

Chennai - 600 083

Rep.by its Director Mr.D.Ramesh Babu ...Petitioner

Vs

1.Officer of the District Registrar,

Chennai Central Bharathi Salai,

Royapettah, Chennai - 600 014.

2.The Sub Registrar,

District Registrar Cadre,

Joint 1, Central Chennai,

Bharathi Salai,

Royapettah, Chennai - 600 014.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of certiorarified mandamus, calling for the records relating to show cause notice bearing No. L.NO:158/ORB/2019 dated 28/05/2019 and quash the same as illegal and consequently direct the 2nd respondent to register the sale deed dated 23.05.2019 executed by the petitioner.

For petitioner : Mr.M.Narayana swamy

For respondents : Mr.T.M.Pappiah

Special Government Pleader

ORDER

This writ petition has been filed challenging the show-cause notice issued by the first respondent dated 28.05.2019 and for a consequential direction to the second respondent to register the sale deed dated 23.05.2019 executed by the petitioner.

2. The case of the petitioner is that in the year 2009, the petitioner company got amalgamated with M/s. Oscar Films Private Limited and all the assets and liabilities got transferred to the petitioner company. The further case of the petitioner is that this amalgamation was sanctioned by the orders passed by this Court in Company Petition Nos.150, 151 of 2009 dated 21.10.2009.

3. The petitioner became the owner of all the properties and wanted to deal with the property and a sale deed was presented for registration before the second respondent. The second respondent refused to register the sale deed on the ground that the order of amalgamation dated 21.10.2019 was not duly stamped and registered. The first respondent, thereafter issued a show-cause notice dated 28.05.2019 and the same has now become the subject matter of challenge in the present writ petition.

4. When this writ petition was pending, there was a subsequent development, wherein a Government Order was issued in G.O.Ms.No.47 dated 19.02.2020 whereby a fixed stamp duty of 2% and registration fee of Rs.30,000/- was fixed under the Government Order for registration of the order of amalgamation.

5. The learned Special Government Pleader appearing on behalf of the respondents submitted that the said Government Order will also apply to the facts of the present case and that the petitioner will have to pay a stamp duty of 2% on the market value of the property and pay a sum of Rs.30,000/- towards registration charges.

6. The learned counsel for the petitioner on instructions submitted that the petitioner will get the order of amalgamation registered as per G.O.Ms.No.47 dated 19.02.2020.

7. In view of the above, the petitioner is directed to submit the order of amalgamation for registration before the second respondent and the second respondent shall register the same by ensuring that the petitioner complies with the requirements under G.O.Ms.No.47 dated 19.02.2020. Thereafter, the second respondent shall receive documents of conveyance presented by the petitioner and register the same in accordance with law.

8. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. Officer of the District Registrar,
Chennai Central Bharathi Salai,
Royapettah, Chennai - 600 014.

2. The Sub Registrar,
District Registrar Cadre,
Joint 1, Central Chennai,
Bharathi Salai,
Royapettah, Chennai - 600 014.

+1cc to Mr.M.Naraayanaswamy, Advocate Sr.25237
+1cc to the Government Pleader Sr.25279

W.P.No.21147 of 2019

br[co]
srg 07/08/2020