



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.8292 of 2021

M/s. Aadhar Housing Finance Limited,
(formerly DHFL Vysya Housing Finance
Limited),

rep. By its Authorised Person
Mr.M.P.K. Mahendra Varma

...Petitioner

Vs.

The Joint Sub-Registrar,
Sub-Registrar Office - 2,
J.C.K.Nagar,
Chengalpattu.

...Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent to provide the details of deficit stamp charge payable by the petitioner and release the said pending registered as documents bearing Nos.142 of 2020, 143 of 2020 and 144 of 2020 dated 27.08.2020, on receipt of the deficit stamp duty and registration charges.

For Petitioner	:	Mr.V.Balasubramani
For Respondent	:	Mr.K.M.D.Muhilan, Government Advocate

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed seeking a direction directing the respondent to provide details of deficit stamp DUTY payable by the petitioner and release the said pending document on receipt of deficit stamp duty and registration charges.

2. The grievance of the petitioner is that, the petitioner company is a financial institution and they have obtained loan from some third party, for which, the petitioner company wanted to mortgage debentures belonging to them worth about more than



Rs.800 crores. The respondent kept the mortgage deed pending on the ground that, the stamp duty not correctly paid and there is deficit of stamp duty payable by the petitioner. The petitioner had approached the respondent Sub-Registrar, and submitted detailed representation on 28.12.2020 requesting him to provide details of deficit stamp duty as well as registration charges payable by the petitioner and release the pending document after registering the same on receipt of deficit stamp duty and registration charges. But, so far, the petitioner's representation was not considered and no order has been passed on it. Hence, the present writ petition has been filed by the petitioner.

3. Mr.K.M.D.Muhilan, learned Government Advocate appearing for respondent, on instructions, would submit that, the debentures produced by the petitioner company for mortgage belongs to nearly 32 different banks and the petitioner has to pay stamp duty on the value of debentures of each bank as well as registration charges. But, the petitioner paid single stamp duty on all debentures and he has refused to pay the actual stamp duty. Hence, the respondent is not in a position to register the same.

4. Disputing the above submission, Mr.V.Balasubramani, learned counsel appearing for petitioner would submit that, since all the debentures belong to the petitioner company, there is no necessity to pay separate stamp duty for each debentures issued by various banks and also relying upon the Government Order to that effect.

5. Considering the fact that, now there is a dispute regarding the actual stamp duty payable by the petitioner, the petitioner is directed to appear before the respondent Sub-Registrar and submit all his objections and place all the materials relating to payment of stamp duty on the mortgage deed. On submitting objections, the respondent Sub-Registrar is directed to consider the same and pass suitable orders on merits in accordance with law after giving opportunity of hearing the petitioner within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp



To

The Joint Sub-Registrar,
Sub-Registrar Office - 2,
J.C.K.Nagar,
Chengalpattu.

W.P.No.8292 of 2021

RLD (CO)
KKV/29/07/2021