

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No.40631 of 2016

M/s.Tunor Engineering Company,
No.3/A CMDA Layout,
Tass Industrial Estate, SIDCO, Ambattur,
Chennai - 600 098.
Rep. by its Chief Executive Officer,
Mr. K.R.Binumon

.. Petitioner

Vs

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The District Revenue Officer (Stamps),
Office of the District Collector,
5th Floor, M.Singaravelan Maaligai,
No.32, Rajaji Salai, Chennai - 600 001.
- 3.The Sub-Registrar,
Office of the Sub Registrar,
Ambattur, Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to release the sale deed dated 14.10.2015 registered as document No.14281 of 2015 on the file of the 3rd respondent herein to the petitioner within a specific time frame.

For Petitioner : Mr. N.Senthilkumar

For Respondents1-3 : Mr. P.P.Purushothaman
Government Advocate

O R D E R

This writ petition is filed for issuing a writ of mandamus directing the respondent to release the sale deed dated 14.10.2015, registered as document No.14281 of 2015 on the file of third respondent.

2. Brief facts that are necessary for the disposal of the writ petition are as follows:

The petitioner has entered into agreement of sale dated 10.08.2011, with the original owner of the property, measuring an extent of 3600 sq.ft. with the consent of M/s. Small Industrial Development Bank of India and the Indian Bank. The petitioner filed a suit for specific performance in O.S. No.105 of 2012, on the file of Principal District Court, Tiruvallur and obtained decree for specific performance upon depositing the balance of sale consideration. The petitioner states that they had deposited the balance of sale consideration by way of a Demand Draft on 25.04.2014. The petitioner also filed an execution petition and got the sale deed executed through the II Additional District Court, Tiruvallur at Poonamallee.

3. It is also admitted before this Court that the sale deed executed was referred to for collection of deficit stamp duty under Section 47 (A) of Indian Stamp Act. Thereafter, the petitioner challenged the order of first respondent under Section 47 A (5) of Registration Act. While challenging the order directing the petitioner to pay deficit stamp duty, the petitioner sought for release of the sale deed dated 14.10.2015 on the ground that the Sub-Registrar has no jurisdiction or power to keep the document after registering the same.

4. Learned counsel appearing for the petitioner states that the final order passed by the Inspector General of Registration is also challenged by the petitioner in the Civil Miscellaneous Appeal and the same is pending before this Court. He further contended that the order of the Inspector General of Registration was stayed by this Court in a Civil Miscellaneous Appeal. Learned counsel further admit that the petitioner was prepared to pay the 30% of the disputed quantum assessed as deficit. He further submitted that a petition in W.M.P. No.34629 of 2016 in W.P. No.40631 of 2016 was filed by the petitioner to direct the respondents to release the sale deed on the file of third respondent to the petitioner. The petition was allowed and a direction was issued to release the document to the petitioner on a condition that the petitioner should deposit 30% of the amount before the Inspector General of Registration, Chennai, within a period of fifteen days from the date of receipt of a copy of that order. Since the petitioner has obtained the release of document pursuant to the direction of this Court and the petitioner has paid the amount as directed by this Court, this Court is of the view that nothing survives in this writ petition for further adjudication. It is open to the respondent to proceed for recovery of balance subject to the outcome of pending appeal.

5. Accordingly, the writ petition is closed. No costs. However, the petitioner is at liberty to prosecute the appeal challenging the final order passed by the Inspector General of Registration in relation to the proceedings initiated against the petitioner under Section 47 A of the Indian Stamp Act.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The District Revenue Officer (Stamps),
Office of the District Collector,
5th Floor, M.Singaravelan Maaligai,
No.32, Rajaji Salai, Chennai - 600 001.
- 3.The Sub-Registrar,
Office of the Sub Registrar,
Ambattur, Chennai.

+1cc to Mr.N.Senthil Kumar, Advocate, S.R.No.11100

+1cc to the Government Pleader, S.R.No.11162

W.P. No.40631 of 2016

RR(CO)
CB(21/06/2021)

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