



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2021

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.6996 OF 2017

&

W.M.P.NOS. 22765, 7614 TO 7616 OF 2017

M/S. Arun Excello Realty Private Limited,
Company Incorporated
Under the Companies Act, 1956.
Represented by its Director,
Mr. A.M.Sundar,
Bhattad Towers,
II Floor, 18, West Cott Road,
Royapettah,
Chennai 600 014.

... Petitioner

Vs

The Sub Registrar,
Sriperumbadur,
Kancheepuram.

... Respondents

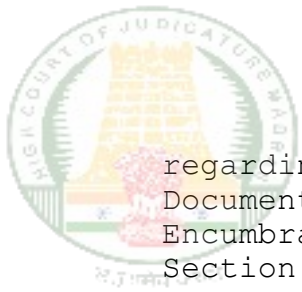
Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the impugned order of the Respondent dated 01.02.2017 and consequential demand notice dated 16.03.2017, quash the same and consequentially direct the Respondent to remove the entries made in the register maintained regarding the pendency of Section 47-A proceedings in respect of Document No.8043/2015, so that it does not reflect in the Encumbrance Certificate until a show cause as prescribed under Section 33-A of the Stamp Act is issued by the Respondent.

For Petitioner : Mr.C.V.Shailandhran

For Respondent : Mr.Richardson Wilson
Government Advocate

ORDER

This Writ Petition has been filed to issue a writ of Certiorarified Mandamus, calling for the impugned order of the Respondent dated 01.02.2017 and consequential demand notice dated 16.03.2017, quash the same and consequentially direct the Respondent to remove the entries made in the register maintained



regarding the pendency of Section 47-A proceedings in respect of Document No.8043/2015, so that it does not reflect in the Encumbrance Certificate until a show cause as prescribed under Section 33-A of the Stamp Act is issued by the Respondent.

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2.Heard, Mr.C.V.Shailandhran, learned counsel appearing for the petitioner and Mr.Richardson Wilson, Government Advocate appearing for the respondent.

3.While admitting the writ petition, the petitioner was directed to pay 20% of the deficit stamp duty. As directed by this Court, the petitioner complied with by payment of 20% of the deficit stamp duty. Thereafter, under the Samadhana Scheme, the settlement between the petitioner and the respondent, the remaining amount of deficit stamp duty was paid and the document which was subjected for registration also released in favour of the petitioner.

4. However, the learned counsel for the petitioner would submit that the entry made in the Encumbrance Certificate has to be removed, in view of the settlement under the Samadhana Scheme.

5.Considering the above submission, the respondent is directed to remove the entry made in the register in respect of demand of deficit stamp duty and registration charge within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No cost.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To
The Sub Registrar,
Sriperumbadur, Kancheepuram.

+1cc to the Government Pleader, S.R.No.42700

W.P.No.6996 of 2017
and

W.M.P.Nos. 22765, 7614 to 7616 of 2017

RLD(CO)
PM/21/09/2021