



W.P.No.28193 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28193 of 2022

1.Gokul.R.Bathija
2.Anitha Gokul Bathija

... Petitioners

Versus

1.The State of Tamil Nadu
Represented by its Secretary to Government
Commercial Taxes and Registration Department
Secretariat, St.Fort George
Chennai – 600 005

2. Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 005.

3.The Sub-Registrar
Joint – II
Chennai Central
K.B.Dasan Road
Teynampet, Chennai – 600 018.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the 1st and 2nd respondents to refund the excess Stamp Duty and Registration Charges amounting to Rs.17,62,000/- (Rupees Seventeen Lakhs Sixty-Two Thousand Only) paid by the petitioners for registration of Sale Certificates in Doc.No.986 of 2022 before the third respondent.



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For Petitioner : Mr.K.Azhagu Raman
For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the 1st and 2nd respondents to refund the excess Stamp Duty and Registration Charges amounting to Rs.17,62,000/- (Rupees Seventeen Lakhs Sixty-Two Thousand Only) paid by the petitioners for registration of Sale Certificates in Doc.No.986 of 2022 before the third respondent.

2. The case of the petitioner are that the petitioners had successfully bid and purchased the property viz., situated at Shop No.B, Ground Floor, Rosewood Offices, Door No.10, Old No.138 and Older No.28-A Part, Nungambakkam High Road also known as M.G.Salai, Chennai – 600 034, comprising of 1407 sq.ft of built area (including common area), together with 613/5670 undivided share land, together with all Easementary rights, amenities and facilities from the Edelweiss Asset Reconstruction Company Ltd upon payment of consideration amounting to Rs.3,52,40,000/-. After which the Authorised Officer issued Sale Certificate under the SARFAESI Act. The said Sale Certificate has been registered as Doc.No.986 of 2022 in the office of the



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third respondent. Pursuant to which, the petitioner made a representation on

07.09.2022, to the respondents 2 and 3 seeking for refund of excess amount of

Rs.17,62,000/- which is pending without consideration. Hence, this writ petition.

3. The learned counsel for the petitioner submitted that this Court may issue a directions to the respondents 2 and 3 to consider the representation dated 07.09.2022 made by the petitioner seeking refund of excess stamp duty within the stipulated time as fixed by this Court.

4. The learned Special Government Pleader appearing on behalf of the respondents submitted that the representation will be considered and necessary action will be taken in accordance with law within the reasonable time as fixed by this Court.

5. Heard, the learned counsel for the petitioner as well as the learned Additional Government Pleader appearing for the respondent, and perused the materials available on record.

6. Considering the facts and circumstances of the case and the limited



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request made by the learned counsel for the petitioner, this Court directs the respondents 2 and 3 to consider the representation of the petitioner dated 07.09.2022 and pass appropriate order(s) on merits and in accordance with law, after giving opportunity of hearing to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the writ petition is disposed of. No costs.

26.10.2022

dhk

Index: Yes/No

Internet: Yes/No

To,

1. The Secretary to Government
The State of Tamil Nadu
Commercial Taxes and Registration Department
Secretariat, St. Fort George
Chennai – 600 005

2. The Inspector General of Registration,
Office of the Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 005.

3. The Sub-Registrar
Joint – II
Chennai Central



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Teynampet, Chennai – 600 018.

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M.DHANDAPANI, J.

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