



W.P.No.31257 of 2022

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M.DHANDAPANI, J.

Today the matter is listed under the caption “for being mentioned” at the instances of the learned counsel for the respondents.

2. The learned Government Advocate appearing for the respondents submitted that, earlier, when the matter was taken up for hearing on 23.11.2022, it was submitted by the learned Government Advocate appearing for the respondents that the petitioner's representation will be considered in the manner known to law, if it is otherwise in order, however, inadvertently, it has been recorded as if the respondents have no objection for the direction being passed by this Court. Therefore, he seeks for necessary correction in paragraph No.5 of the order dated 23.11.2022.

3. A perusal of paragraph No.5 reveals that an erroneous submission has been recorded. Accordingly, paragraph No.5 of the order dated 23.11.2022 passed by this Court shall stand replaced as follows :



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sp

“5. The learned Government Advocate appearing for the respondents would submit that the petitioner's representation will be considered in the manner known to law, if it is otherwise in order.”

4. In other respects, the order dated 23.11.2022 shall remain unaltered.

5. Registry is directed to carry out the necessary correction in the order dated 23.11.2022 and issue fresh copy of the order to the parties.

31.03.2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.31257 of 2022

M/s.Tripower Properties Limited,
Rep. by its Director,
No.2/569, Sandy Nook,
Singaravellar 1st Main Road,
Chinna Neelangarai,
Chennai – 600 115.

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

2.The Sub-Registrar,
Thamaraipatti SRO,
Registration District of Madurai North,
Madurai.

3.The Secretary cum Co-ordinator,
Administrator Committee of
Disc Assets Lead (India) Ltd.,
119, Canal Bank Road,
CIT Nagar,
Chennai – 600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India
for issuance of a Writ of Mandamus directing the respondents 1 & 2 to



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enter the Sale Certificate dated 15.02.2022 in Book No.1 u/s.89 f the Registration Act, 1908, without insisting the stamp duty, issued and forwarded by the third respondent.

For Petitioner : Mr.P.Krishnan

For Respondents : Mr.E.Sundaram,
Government Advocate

ORDER

The petitioner has filed this petition for issuance of Writ of Mandamus directing the respondents 1 & 2 to enter the Sale Certificate dated 15.02.2022 in Book No.1 u/s.89 f the Registration Act, 1908, without insisting the stamp duty, issued and forwarded by the third respondent.

2. With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the third respondent invited offers for the sale of 12 items of properties. Therefore, the petitioner submitted a bid in response to the said public auction and the petitioner



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was also declared as the successful bidder in respect of above properties and an entire sale price of Rs.42,25,00,000/- has been deposited before the third respondent. Accordingly, the third respondent has issued a Sale Certificate dated 15.02.2022. In order to make entry in Book I under section 89 of the Act, the sale certificate was forwarded to the second respondent, however, the same was refused to be registered by the second respondent. Aggrieved over the same, the petitioner filed this writ petition.

4. Learned counsel for the petitioner would submit that it would suffice if this Court issues direction to the second respondent to entertain the petitioner's Sale Certificate dated 15.02.2022 in terms of Section 89 of Registration Act, 1908 and pass appropriate orders on merits and in accordance with law within a time may to be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondents has no objection for the said direction being passed by this Court.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits, directs the second respondent to entertain the Sale Certificate dated 15.02.2022 presented by the petitioner in terms of Section 89 of the Registration Act, 1908, if there is no legal impediments and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this writ petition is disposed of.

No costs.

23.11.2022

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Index : Yes/No

Speaking Order : Yes/No



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To:

- 1.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.
- 2.The Sub-Registrar,
Thamaraipatti SRO,
Registration District of Madurai North,
Madurai.
- 3.The Secretary cum Co-ordinator,
Administrator Committee of
Disc Assets Lead (India) Ltd.,
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23.11.2022