



W.P.No.31965 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM
THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.31965 of 2022
and
WMP.No.31406 of 2022

Carmel Spices Private Limited,
Rep. by its Director Mr.D.P.Prabhakar
No. 35/2, Siruvani Main Road,
Thenkarai, Coimbatore - 641 101.

...Petitioner

Vs.

1. The Inspector General of Registration,
No. 100 santhome High Road,
Chennai - 600 028.

2. The District Registrar(Admin)
Palayamkottai,
Tirunelveli District - 627 009.

3. The special Deputy Collector(Stamps),
Tirunelveli, Tirunelveli District - 627 009.

4. The Sub-registrar,
Kayathar, No. 3/2 Main Road,
Kayathar, Thoothukudi-628 952.

5. The Administrator Committee of Disc Assets Lead(India)Ltd.,
Rep. by its Secretary-Cum-Coordinator,
(Constituted by the Honble Madras High Court),
No. 119 Canal Bank Road, CIT Nagar,
Chennai-35.



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...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records and quash the order dated 22.12.2021 bearing No. 45927/N4/2021 passed by the 1st respondent and consequently direct the 4th respondent to release the Sale Certificate dated 27.04.2021 bearing Document No. 1947 of 2021 and refund the excess amount of Rs. 5, 55, 000/- collected from the petitioner along with interest.

For Petitioner : Mr.K.Surendar
For Respondents : Mr.G.Krishna Raja
Addl. Government Pleader

ORDER

The petitioner has filed this petition for quashment of the order dated 22.12.2021 bearing No. 45927/N4/2021 passed by the 1st respondent and consequently, direct the 4th respondent to release the Sale Certificate dated 27.04.2021 bearing Document No. 1947 of 2021 and refund the excess amount of Rs. 5,55, 000/- collected from the petitioner along with interest.

2. The case of the petitioner is that the petitioner has purchased an immovable property through a public auction conducted under the orders passed by this Court. When the petitioner presented the sale certificate for registration with regard to the subject property, the 4th respondent collected



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an amount of Rs.5,55,000/- for stamp duty and registration charges. Further, the sale certificate has not been released till date and proceedings have been initiated under Section 47-A of Indian Stamp Act by the third respondent. The third respondent, vide its order dated 04.10.2021, directed the petitioner to pay the deficit stamp duty. Challenging the said order, the petitioner has preferred an appeal before the first respondent under Section 47-A of Indian Stamp Act. However, the first respondent, vide his order dated 22.12.2021, a sum of Rs.5,55,000/- has been collected from the petitioner towards surcharge and registration fee, but the first respondent has not released the registration certificate. Challenging the said order, the petitioner has filed the present writ petition before this Court.

3. Learned counsel for the petitioner submitted that collection of excess amount from the petitioner and the subsequent failure to release the sale certificate is unsustainable and therefore, this Court may issue a direction to the first respondent to conclude the enquiry within the stipulated time as fixed by this Court.



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

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to conclude the proceedings against the petitioner on merits and in accordance with law after providing opportunity to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

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rli
Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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To

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