



W.P.Nos.5203/2023 & 33587/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	18.04.2023
Pronounced on	28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.5204 of 2023 & 33587 of 2022

Krithya Jayaraman

...Petitioner in
W.P.No.5204/2023

Ramesh Kondalswamy

...Petitioner in
W.P.No.33587/2022

Vs.

The Sub-Registrar,
Poonamallee High Road,
Periyamet,
Chennai – 600 003.

...Respondent
in both W.Ps

Prayer in W.P.No.5204/2023: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Certiorarified Mandamus, calling for records leading up to the Check Slip dated 06.02.2023 Refusal No.RFL/Periamet/10/2023 issued by the respondent and to set aside/quash the Check Slip dated 06.02.2023 and consequently direct the respondent to register the Sale deed dated 06.02.2023 in accordance with law.



W.P.Nos.5203/2023 & 33587/2022

Prayer in W.P.No.33587/2022: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Certiorarified Mandamus, calling for the records relating to the impugned Check Slip dated 07.12.2022 Refusal No.RFL/Periamet/187/2022 issued by the respondent and quash the same and to consequently direct the respondent to accept the sale deed presented by the petitioner and register the same.

For Petitioner in
W.P.No.5204/2023 : Mr.Roshan Balasubramanian

For Petitioner in
W.P.No.33587/2022 : Mr.Swarnam J.Rajagopalan

For Respondent
in both W.Ps. : Mr.S.Silambannan
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader

COMMON ORDER

With the consent of both the parties, these Writ Petitions are taken up for final disposal.

2. In these Writ Petitions, the petitioners had purchased the properties, which are the scheduled properties under a sale deed, which was presented for registration before the registering authority from DLF Home Developers Limited. When they had admitted to re-sell their apartments, through sale



deeds, the registration was refused through the impugned check slips stating that non-registration of the scheme of amalgamation towards the petitioners' vendors had caused revenue loss to the State.

3. Today, interim orders have been passed in W.P.No.4162 of 2023, whereby, DLF Home Developers Limited have been directed to deposit the entire deficit stamp duty as claimed by the registering authority. Such a deposit also includes the properties, which are the subject matter of the sale deed presented by the petitioners also. The relevant portion of the interim order dated 28.04.2023 is as follows:-

"8. In the light of the above findings and observations, the following orders are passed:-

(a) There shall be an order of stay of the impugned refusal check slip.

(b) There shall be a direction to the petitioner herein to deposit the entire stamp duty, as demanded by the respondents 2 and 3 herein towards the deficit stamp duty, before the Registrar General, High Court of Madras, within a period of two weeks from the date of receipt of a copy of this order.

(c) There shall be a further direction to the



registering authority/third respondent herein to register all the conveyance deeds presented by the petitioner, for which the deficit stamp duties have been deposited before this Court, on condition that the petitioner produces satisfactory proof to the Sub-Registrar of having deposited the entire claim amount of deficit stamp duty before the Registrar General, High Court of Madras.

(d) Such registration shall be completed atleast within a period of one week from the date of presentation of the deed of conveyance, together with the deposit proof.

(e) The petitioner shall also furnish a copy of the proof of deposit made before the Registrar General, High Court of Madras, to the petitioners in W.P.Nos.5204 of 2023 and 33587 of 2022, whose Writ Petitions have been allowed today, directing the registering authority to accept their sale deeds and effect registration, within a period of 2 days from the date of receipt of such deposit."

4. In view of the above interim orders, the interest of the registering authority, towards their claim for deficit stamp duty to be paid in the deed of amalgamation, is protected and therefore, there would not be any impediment



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for registering the petitioners' deeds of conveyance.

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5. In the light of the above observations, the impugned check slips dated 07.12.2022 and 06.02.2023 are quashed. Consequently, there shall be a direction to the respondent to accept the petitioners' sale deeds, which is to be accommodated with a copy of the proof of deposit made by DLF Home Developers Limited, pursuant to the interim order passed by this Court in W.P.No.4162 of 2023, dated 28.04.2023, within a period of one week from the date of receipt of a copy of this order.

6. Accordingly, both the Writ Petitions stand allowed. No costs.

28.04.2023

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-Speaking Order
hvk

To
The Sub-Registrar,
Poonamallee High Road,
Periyamet,
Chennai – 600 003.



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M.S.RAMESH,J.

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PRE-DELIVERY ORDER MADE IN

W.P.Nos.5204 of 2023
& 33587 of 2022

28.04.2023