



W.P.No.6322 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.6322 of 2023**

**and**

**W.M.P.Nos.6351 & 6352 of 2023**

B.B.Mohan Kumar

...Petitioner

Vs

1.The District Revenue Officer (Stamps),  
Singaravellanar Malligai,  
Collectorate Buildings,  
Rajaji Salai, Chennai.

2.The Sub-Registrar,  
Sunguvarchitiram SRO,  
Kancheepuram District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the impugned demand notice in C.Pa.No.39/18 dated 09.04.2021 on the file of 1<sup>st</sup> respondent and quash the same, consequently direct the respondents to release the sale deed.

For Petitioner : Mr.B.Manoharan



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For Respondents : Ms.Akila Rajendran,  
Government Advocate

### **ORDER**

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner claims to have purchased the subject property through one Saravanan in accordance with the order passed by the Company Court in C.A.No.947 of 2014, dated 06.11.2014. In the appeal filed in O.S.A.No.134 of 2014, the Hon'ble Division Bench of this Court, by its order dated 01.09.2015, had directed the Official Liquidator to execute the sale deed in the petitioner's favour. The second respondent has now referred the same under Section 47A of the Indian Registration Act (hereinafter referred to as 'the Act').

3. The learned counsel for the petitioner submitted that the market value determined by the Company Court has to be taken as final price and therefore, the second respondent has no authority to refer the sale deed under Section 47A of the Act claiming deficit for stamp duty. In



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support of such a claim, the learned counsel placed reliance on a decision of the Hon'ble Supreme Court in the case of ***Registrar of Assurances and another Vs. ASL Vyapar Private Limited and another*** reported in ***2022 LiveLaw (SC) 942***, which held as hereunder:-

*"31. We are, thus, of the view that this reference is required to be answered by opining that in case of a public auction monitored by the court, the discretion would not be available to the Registering Authority under Section 47A of the Act."*

4. In line with the aforesaid decision of the Hon'ble Supreme Court, the Registering Authority may not have the power to refer a document under Section 47A of the Act, since the property was purchased in a public auction, pursuant to the orders of the Company Court. Thus, this Court is of the view that if the petitioner is granted liberty to make a fresh representation seeking for releasing the sale deed, with a consequential direction to the second respondent to consider the same, in the light of the observations made above, the ends of justice could be secured.

5. Accordingly, the petitioner herein is granted liberty to make a



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fresh representation to the second respondent herein seeking for release of the sale deed and on receipt of the same, the second respondent shall consider it and pass appropriate orders, in the light of the decision of the Hon'ble Supreme Court in case of *ASL Vyapar Private Limited (supra)*, as well as the findings of this Court, within a period of four weeks from the date of receipt of the representation.

6. With the above directions, the Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

**06.03.2023**

Index:Yes/No

Neutral Citation:Yes/No

Speaking order/Non-speaking order

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To

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- 2.The Sub-Registrar,  
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**M.S.RAMESH,J.**

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