



W.P(MD)No.25274 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25274 of 2023

Manishkumar Gupta

... Petitioner

Vs.

- 1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Annamalaipuram, Chennai - 600 028.
- 2.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajagambeeram, Y.Othakadai,
Madurai - 625 107.
- 3.The District Registrar,
District Registrar Office,
Madurai North,
Integrated Complex of Registration Department,
TNAU Nagar, Rajagambeeram, Y.Othakadai,
Madurai - 625 107.
- 4.The Sub Registrar,
Madurai North Joint,
Integrated Complex of Registration Department,

TNAU Nagar, Rajagambeeram, Y.Othakadai,
Madurai - 625 107.
Now functioning at



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Vilangudi Sub-Registrar Office,
Church Road, Vilangudi,
Madurai – 625 018.

5.The Authorized Officer / Liquidator,
M/s.Lakshmi Subbaiaah Tex Private Limited,
No.27/9, Nivedh Vikas,
Pankaja Mill Road,
Pulliyakulam,
Coimbatore – 641 045.

... Respondents

*(R5 is impleaded vide order dated 14.12.2023 in
W.M.P.(MD)No.22485 of 2023 in W.P.(MD)No.
25274 of 2023 by GRSJ)*

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4th respondent to register the sale certificate dated 14.05.2022 in Book No.1 regarding the properties purchased by the petitioner through Court action by liquidation proceedings in C.A./IA/No.1049/IB/2020 in IBA/363/2019 in the 4th respondent office in terms of section 17(2)(xii) and 89(4) of the Registration Act, 1908 without insisting any stamp duty and registration charges on the basis of the considering the petitioners representation dated 18.08.2023.

For Petitioner : Mr.A.N.Ramanathan

For Respondents : Mr.Veera Kathiravan,
Addl. Advocate General,
Assisted by Mr.C.Satheesh,
Government Advocate for R1 to R4.



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ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Advocate General assisted by the learned Government Advocate for the respondents 1 to 4.

2.The petition mentioned property was brought to sale by the impleaded liquidator under the provisions of Insolvency and Bankruptcy Code, 2016 on 14.05.2022. The petitioner purchased the same for a sum of Rs.12,35,00,000/-. The certificate of sale was also issued by the liquidator. The petitioner wants the same to be filed in Book 1. As per the settled procedure, the liquidator should have directly forwarded the same to the fourth respondent for filing. Instead, the sale certificate was handed over to the petitioner and it was the petitioner who presented the same before the fourth respondent. The fourth respondent insisted on payment of usual stamp duty. In these circumstances, the filing process could not take place and the present writ petition came to be filed.



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3.The learned counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.The learned Additional Advocate General called upon this Court to dismiss the writ petition in view of the decision of the Hon'ble Division Bench rendered in W.A.(MD)Nos.1752 and 1767 of 2023 dated 29.11.2023. The Hon'ble Division Bench in the said decision had held that the sale certificate presented by the auction purchaser are to be construed as presented under Section 17 of the Registration Act, 1908 and the procedures contemplated for registration must be followed under the Act.

5.I wanted to know from the learned counsel for the petitioner, if the petitioner wants filing in Book 1 alone or something more. The learned counsel for the petitioner submitted that the petitioner would be satisfied if the sale certificate is filed in Book 1 alone.



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6.The fifth respondent is directed to forward the certificate of sale directly to the registering authority / fourth respondent herein. Upon receipt thereof, the fourth respondent will file the same in Book 1 without insisting on payment of stamp duty.

7.The writ petition is disposed of with the aforesaid directions. No costs.

14.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

1.The Inspector General of Registration,
100, Santhome High Road,
Mullima Nagar, Mandavelipakkam,
Annamalaipuram, Chennai - 600 028.

2.The Deputy Inspector General of Registration,
Integrated Complex of Registration Department,
TNAU Nagar, Rajagambeeram, Y.Othakadai,
Madurai - 625 107.

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G.R.SWAMINATHAN, J.

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3.The District Registrar,
District Registrar Office,
Madurai North,
Integrated Complex of Registration Department,
TNAU Nagar, Rajagambeeram, Y.Othakadai,
Madurai - 625 107.

4.The Sub Registrar,
Madurai North Joint,
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Now functioning at
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