



W.P.No.3184 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.No.3184 of 2024

M/s.Aadhar Housing Finance Limited,  
(Formerly DHFL Vysya Housing Finance Limited),  
Branch office at Shop No.109,  
1<sup>st</sup> Floor, Challamall,  
11 & 11A, Sir Theagarayar Road,  
T.Nagar, Chennai – 600 017,  
Rep.by its Authorized Officer,  
Mr.Aneesh Paloth.

... Petitioner

versus

- 1.The Joint Sub-Registrar,  
Sub Registrar Office -2,  
JCK Nagar, Chengalpattu – 603 002.
- 2.The Inspector General of Registration Department,  
No.100, Santhome High Road,  
Chennai – 600 028.

... Respondents



W.P.No.3184 of 2024

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to consider the representation given by the petitioner dated 03.10.2022 and issue order to register these pending mortgage deeds vide document bearing Nos.142 of 2020, 143 of 2020 and 144 of 2020 and further reliefs as to cost of the petitioner.

For Petitioner : Mr.V.Balasubramani  
For Respondents : Mr.Yogesh Kannadasan  
Special Government Pleader

### **ORDER**

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the respondents. With the consent of both parties, the main writ petition is taken up for final hearing at admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the second respondent to consider the petitioner's



*W.P.No.3184 of 2024*

representation dated 03.10.2022 and issue order to register the pending Mortgage Deeds, vide Document Nos.142 of 2020, 143 of 2020 and 144 of 2020 and further reliefs as to costs of the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner/ Company is a financial institution and during the course of borrowing, by issue of debentures for their business, the petitioner has approached the first respondent to register the mortgage deed on 27.08.2020 and the same was provisionally registered as Doc.Nos.P142 of 2020, P143 of 2020 and P144 of 2020. Subsequently, the first respondent kept the said documents pending for deficit stamp duty payable by the petitioner. The petitioner has approached the first respondent and has given a detailed representation on 28.12.2020, seeking to register and release the pending documents on receipt of the deficit stamp duty and registration charges by the petitioner, but there was no response from the first respondent, and hence, the petitioner has filed



*W.P.No.3184 of 2024*

a writ petition in W.P.No.8292 of 2021 seeking a direction to the Registration Department to release three pending simple Mortgage Deeds by 27.08.2020 registered as Document Nos.142 of 2020, 143 of 2020 and 144 of 2020. This Court disposed of the writ petition on 22.07.2021 and directed the petitioner to appear before the respondent/Sub-Registrar and submit all his objections and place all the materials relating to payment of stamp duty on the mortgage deed. On submitting objections, the respondent/Sub-Registrar was directed to consider the same and pass suitable orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of that order. However, without considering the documents filed by the petitioner and without giving due opportunity of hearing to the petitioner, the first respondent, on 27.04.2022, issued a pre-dated closure letter on 23.05.2022, in respect of Doc.No.P143 of 2020 by mentioning the closure date as 27.04.2022. However, the first respondent did not give any



*W.P.No.3184 of 2024*

clarification regarding the other two documents, bearing Nos. P142/2020 and P144/2020. Aggrieved by the said order, the petitioner preferred an appeal before the second respondent on 27.06.2022 seeking to cancel the closure order of the first respondent and consequently, direct the first respondent to release the documents for securing the debentures issued by the petitioner, as per G.O.Ms.No.60, Commercial Tax and Registration Department (J1) dated 16.03.2020 on receipt of Rs.10 lakhs each as maximum stamp duty after deducting the stamp duty charge already paid. However, no enquiry was conducted till date. The petitioner has given a representation/notice dated 03.10.2022 to the first respondent to pass revised orders for Doc.No.P143 and other two pending mortgage documents. Since there was no response from the respondents till date, the present writ petition has been filed.

4. Heard both sides and perused the materials available on record.



W.P.No.3184 of 2024

5. On a perusal of the typed set of papers annexed to this writ petition,

it is seen that since the petitioner has not made any objections regarding the payment of deficit stamp duty fixed by the District Registrar, Chengalpattu, they passed orders on 18.08.2021. However, without challenging the said order, the petitioner has given a fresh representations to the District Registrar (Administration), Chengalpattu on 10.03.2022 and 22.03.2022, respectively.

It is further seen that the petitioner has already preferred an appeal before the second respondent/Inspector General of Registration on 27.06.2022, challenging the order of the first respondent dated 27.04.2022. Further, the petitioner has not stated that as to whether the second respondent has passed final orders in the appeal or not. Without mentioning the same, the petitioner has filed the present writ petition only to consider his representation dated 03.10.2022. Since the petitioner has already exercised the appellate remedy and without waiting for the outcome of the decision in the appeal filed before the second respondent, he has filed the present writ petition, and



W.P.No.3184 of 2024

hence, this Court is not inclined to entertain this writ petition by invoking Article 226 of Constitution of India.

6.The writ petition is dismissed in-limine. There shall be no order as to costs. However, the second respondent is directed to dispose of the appeal dated 27.06.2022 on merits and in accordance with law, after giving due opportunity of hearing to the petitioner and all the interested parties, if the appeal is not disposed of so far. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. If at all the appeal is disposed of, the petitioner is at liberty to challenge that order passed by the appellate authority.

**14.02.2024**

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

ms

To

Page No.7/9



*W.P.No.3184 of 2024*

1.The Joint Sub-Registrar,  
Sub Registrar Office -2,  
JCK Nagar, Chengalpattu – 603 002.

2.The Inspector General of Registration Department,  
No.100, Santhome High Road,  
Chennai – 600 028.



WEB COPY



*W.P.No.3184 of 2024*

**P.VELMURUGAN, J.**

ms

W.P.No.3184 of 2024

14.02.2024