



WMP(MD). No.2884 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Twenty Fourth day of February Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

WMP(MD). No.2884 of 2025

in

W.P(MD)No.12550 of 2024

M/s.Indian Chillies Products Company Private Ltd,
Rep by its Director J.Sundar
33 M.C.Chidambara Nadar Street
Virudhunagar.

... Petitioner

Vs

1 State of Tamil Nadu
Rep by Secretary to Government Commercial
Taxes and Registration Department
Secretariat Chennai - 600 009.

2 The Sub Registrar, Joint I
Sub Registrar Office Integrated Complex
Vadikkaran Street Ramanathapuram 623501.

... Respondents

Prayer in W.M.P(MD)No.2884 of 2024;-

Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, to clarify the order dated 23.07.2024 in WP(MD).No. 12550 of 2024 by adding that the 2nd respondent is bound to file the Sale Certificates under Sec. 89(4) without demanding any fee, duty or charges and pass such further or other orders as this Honourable Court may deem fit and proper in the circumstances of the case and thus render justice.

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WMP(MD). No.2884 of 2025

Prayer in W.P(MD)No.12550 of 2024:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certificate Mandamus to call for the records of the first respondent pertaining to the impugned Government Order in G.O.Ms)No.28 Commercial Taxes and Registration (J2) Department dated 23.03.2023 and quash the same and to consequently to direct the second respondent to accept the Sale Certificate dated 22.05.2024 issued under SARFAESI Act,2002 in favour of the petitioner and sent by the Authorised Officer, Credit Recovery and Management Department, City Union Bank Limited, Kumbakonam and to file the same in Book No.I or get it scanned as per the provisions of Section 89(4) of the Registration Act,1908 without insisting on any registration fees from the petitioner.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.Ravi, Counsel for M/s.Rugan and Arya for the petitioner and of Mr.Veera Kathiravan Addiional Advocate General assisted by Mr. K.Balasubramanian, Special Government Pleader for the Respondents, this Court made the following order:

W.P.(MD)No.12550 of 2024 was disposed of by me on 23.07.2024. Aggrieved by the same, the department filed W.A.(MD)No.1604 of 2024. The writ appeal was dismissed on 24.09.2024. The petitioner has filed this miscellaneous petition stating that a formal clarification is required for the guidance of the registering authority.

2.I make it clear that when I allowed the writ petition, I clearly meant that the sale certificate submitted by the petitioner herein has to be filed without demanding any fee, duty or charges.

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3.The learned Additional Advocate General on the other hand submits that the department has already filed SLP before Hon'ble Supreme Court questioning the order passed by the Hon'ble Division Bench.

4.This miscellaneous petition is allowed as prayed for.

Sd/-

ASSISTANT REGISTRAR(CO)

// True Copy //

/03/2025

Sub Assistant Registrar
(CS-I / II / III / IV)

TO

1. The Secretary to Government,
Commercial Taxes and Registration Department,
Secretariat, Chennai - 600 009.
2. The Sub Registrar, Joint-I
Sub Registrar Office
Integrated Complex
Vadikkaran Street
Ramanathapuram 623501.



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ORDER DATED : 24/02/2025

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ORDER

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AS -(17.03.2025) 4P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.