



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-08-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 16479 of 2026

Jana Small Finance Bank Ltd.,
Door No. 36, Ground and first floor,
South West Boag Road, T.Nagar,
Chennai 17
Rep. by its Authorized signatory

..Petitioner(s)

Vs

1. Sub Registrar
Vadavalli Sub Registration office,
Coimbatore 641 041
2. D.Deepa
C/o. Dhayalamoorthy,
474/U6, Akshya Nagar, Vengikkal,
Tiruvannamalai , Tamil Nadu 606 604

..Respondent(s)

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Certiorarified Mandamus, calling for the records relating to the impugned order Refusal Check slip bearing Refusal Number- RFL/ Vadavalli/ 34/ 2026 dated 9.03.2026 on the file of the 1st respondent herein and quash the same and consequently direct the 1st respondent to Register the Sale Certificate dated 9.03.2026 issued by the petitioner to an in favour of the 2nd respondent

For Petitioner(s): Mr.T.Dhanyakumar

For Respondent(s): Mr.Tamizhanban V., GA for R1
R2 – No appearance



provisions of Section 22A will not apply to those cases. Hence, he requests this Court to pass appropriate orders.

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4. In reply, the learned counsel appearing for the respondents had confirmed the submissions made by the petitioner and requests this Court to pass appropriate orders.

5. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.

6. In the case on hand, due to failure on the part of the borrowers in repayment of amount, the said property was sold by the petitioner through auction, in accordance with law. The 2nd respondent had participated in the said auction and purchased the subject property. In this regard, the sale certificate dated 09.03.2026 was issued in favour of the 2nd respondent. However, when the said sale certificate was produced before the 1st respondent for the purpose of registration, the same was rejected vide the refusal check slip by stating that the document falls under Section 22A of the Registration Act, 1908.

7. At this juncture, it would be apposite to extract the provisions of Section 22A of the Registration Act, 1908, which reads as follows:



“22-A. Refusal to register certain documents.-

Notwithstanding anything contained in this Act, the registering officer shall refuse to register any of the following documents, namely:-

(1) Instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease.-

(i) belonging to the State Government or the local authority or Chennai Metropolitan Development Authority established under Section 9A of the Tamil Nadu Town and Country Planning Act, 1971 (Tamil Nadu Act 35 of 1972);

(ii) belonging to, or given or endowed for the purpose of, any religious institution to which the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959 (Tamil Nadu Act 22 of 1959) is applicable;

(iii) donated for Bhoodan Yagna and vested in the Tamil Nadu State Bhoodan Yagna Board established under Section 3 of the Tamil Nadu Bhoodan Yagna Act, 1958 (Tamil Nadu Act XV of 1958); or

(iv) of Wakfs which are under the superintendence of the Tamil Nadu Wakf Board established under the Wakf Act, 1995 (Central Act 43 of 1995),

Unless a sanction in this regard issued by the competent authority as provided under the relevant Act or in the absence of any such authority, an authority so authorised by the State Government for this purpose, is produced before the registering officer;



(2) instrument relating to the transfer of ownership lands converted as house site without the permission for development of such land from planning authority concerned.

Provided that the house sites without such permission may be registered if it is shown that the same house site has been previously registered as house site.”

8. A reading of above proviso to Sub-section (2) of Section 22A makes it clear that if a document is produced in respect of any property, which is previously registered as “house site”, the same can be registered in accordance with law and the bar under the above provision will not apply. Further, no cut-off date is mentioned in the said provision for such previous registration.

9. In this case, the subject property was already sold as “house site” vide registered sale deeds dated 20.12.2017 & 15.02.2018. Thereafter, it was mortgaged with the petitioner vide Mortgage Deed dated 07.02.2020. In such case, since the subject property was already registered as “house site”, the bar under Section 22A will not apply and thus, there is no impediment on the part of the respondent in registering the sale certificate dated 09.03.2026 executed by the petitioner in favour of the 2nd respondent.



10. Therefore, the impugned refusal check slip issued by the 1st respondent is liable to be set aside. Accordingly, the impugned refusal check slip dated 09.03.2026 is hereby set aside. The petitioner is directed to re-present the sale certificate dated 09.03.2026 before the 1st respondent. In such case, the 1st respondent shall register the same in accordance with law.

11. With the above directions, this writ petition is disposed of. No cost.

06-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

nsa

To

Sub Registrar
Vadavalli Sub Registration office,
Coimbatore 641 041



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KRISHNAN RAMASAMY J.

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