

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5651 of 2015 and M.P.Nos.1 and 2 of 2015

T.V.N.Vaashu

... Petitioner

Vs

1. The Sub Registrar
Palladam Sub-Registrar Office,
Palladam, Tiruppur District
 2. The Authorised Officer / Assistant General Manager,
Corporation Bank,
Main Branch, 300, Mangalam Road,
Tirupur - 641 604
 3. The District Registrar,
Palladam Registration District,
Palladam, Tiruppur District
 4. The Inspector General of Registration,
Santhome, Chennai - 600 028
- ... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent pertaining to order issued in Check Slip No.6 of 2014 dated 28.11.2014 and quash the same and consequently direct the respondents herein to receive the sale certificate dated 28.12.2007 issued by the 2nd respondent in favour of the petitioner for registration, register and return the document to the petitioner.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard Mr.G.Arul Murugan, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government

Pleader appearing for the respondents. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2.The Petitioner seeks for Writ of Certiorarified Mandamus to quash the check slip issued by the 1st respondent refusing to accept for registration of sale certificate executed in favour of the petitioner by the 2nd respondent, Bank on the ground that it has been presented belatedly beyond time limit prescribed under Section 23 of the Registration Act, read with Rules 28 and 34 of the Registration Rules.

3.The learned counsel for the petitioner submitted that the limitation cannot be computed from the date of sale certificate since the borrower had challenged the action of the Bank in bringing the property for sale and the petitioner was also dragged into litigation and ultimately the matter was carried to this Court and in CRP (PD) No.883 of 2014 by the borrower wherein he had challenged order passed by the Debts Recovery Appellate Tribunal at Chennai in I.A.No.1198/2011 in AIR (SA) 774 of 2011 dated 18.12.2013. In the said revision petition, the Writ Petitioner was the 7th respondent. The Civil Revision Petition was dismissed vide order dated 24.03.2014.

4.It is to be noted that the order, which was the subject matter for challenge in the CRP (PD) No.883 of 2014 was an order rejecting the borrowers application for entertaining the appeal on the ground that pre-deposit was not made. However, the Hon'ble Division Bench of this Court while confirming the order passed by the Debt Recovery Appellate Tribunal extended time to comply with the pre-deposit up to 15.04.2014.

5.If the borrower was desirous of prosecuting the appeal before the Appellate Tribunal, he can do so after fulfilling the above condition. However, the specific case was that the borrower did not comply with the order within the time limit and therefore, the entire proceedings culminated. It is only thereafter, the petitioner was entitled to submit the sale certificate for registration and that too after obtaining certified copy of the order, which was delivered to the petitioner on 05.02.2015.

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6.In my view, the petitioner should have placed all these facts before the registering authority and explained that limitation has to be computed only from the date on which the certified copy of

the order in CRP (PD) no.883 of 2014 is received by him. However, the petitioner has rushed to this Court challenging the check slip issued by the respondent.

7.In the light of the above facts, this Writ Petition is disposed of by directing the petitioner to re-submit the documents along with this copy of the order and copy of the order passed in CRP (PD) No.883 of 2014 dated 24.03.2014 together with a representation clearly setting out as to when the petitioner's cause of action to present the sale certificate for registration arose. On such application being filed, the 1st respondent shall consider the same on merits and in accordance with law for the purpose of computing the limitation. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-

Asst. Registrar

/true copy/

ssd
To

Sub Asst. Registrar.

1. The Sub Registrar
Palladam Sub-Registrar Office,
Palladam, Tiruppur District
2. The Authorised Officer / Assistant General Manager,
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Santhome, Chennai - 600 028

+1cc to M/s.G.Arul Murugan, Advocate, S.R.No.11722

W.P.No.5651 of 2015 and M.P.Nos.1 and 2 of 2015

CA(CO)
CA(10/03/2015)