

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.01.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.890 of 2015

1. Bank of India
Cathedral Road Branch
Garuda Buildings,
46, Cathedral Road
Gopalapuram, Chennai - 86
Rep.by its Chief Manager/
Constituted Attorney
 2. Mrs. V.Subhashini .. Petitioners
- vs
1. The Inspector General
O/o. The Inspector General of Registration
100, Santhome High Road,
Mylapore, Chennai 600 004.
 2. The Sub Registrar
O/o. The Sub Registrar - Thirvottiyur
21/8, Market Street, Kaladipet,
Thiruvottiyur, Chennai - 600 019. .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to accept and to register the Sale Certificate dated 19.11.2014 issued by the first petitioner Bank.

For Petitioner : Mr.S.Sathiyarayanan
For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

Heard Mr.S.Sathiyarayanan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate appearing for the respondents and with their consent, the writ petition itself is taken up for disposal at the admission stage.

2. The first petitioner is a Nationalised Bank and the second petitioner is the successful bidder in the E-auction sale conducted under the SARFAESI Act and they sought for the issuance of a writ of mandamus to direct the respondents to accept and to register the Sale Certificate dated 19.11.2014 issued by the first petitioner Bank.

3. On a perusal of the averments made in the writ petition, it is seen that the respondents have not even assigned any reason for refusing to accept the Sale Certificate for registration from the petitioners. Therefore, this Court is of the view that the second respondent should receive the documents and thereafter note down his objections, if any, and pass orders so as to enable the petitioners to workout their remedies in the manner known to law.

4. Accordingly, the petitioner is permitted to present the Sale Certificate before the second respondent along with the copy of this order and the second respondent shall receive the same and pass appropriate orders on merits and in accordance with law so as to enable the petitioner-Bank to work out its remedy available to them under law.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1. The Inspector General
O/o. The Inspector General of Registration
100, Santhome High Road,
Mylapore, Chennai 600 004.

2. The Sub Registrar
O/o. The Sub Registrar - Thirvottiyur
21/8, Market Street, Kaladipet,
Thiruvottiyur, Chennai - 600 019.

1 cc to Government Pleader, Sr.No2243

1 cc to Mr.S.Sathiyarayanan ,Advocate, SR.No.2025

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rj (co) pmk.5.2.2015