

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.15101 of 2017
and
W.M.P.No.16371 of 2017

Tripower Enterprises (Private) Limited
represented by its Chief Executive Officer,
No.2/569,"Sandy Nook",
Singaravelan First Main Street,
China Neelangarai,
Chennai - 600 115. ... Petitioner

Vs.

1. The Sub-Registrar,
Alandur,
Chennai - 600 061

2. The Authorized Officer,
State Bank of India,
Stressed Assets Management Branch,
112, Raja Plaza, Avinashi Road,
Coimbatore - 641 037

... Respondents

Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for records on the file of the 1st respondent in notification No.253/2017 dated 02.06.2017 and quash the same as illegal, incompetent and without jurisdiction and further direct the 1st respondent to file the sale certificate dated 29.04.2017 sent by the 2nd respondent under Section 89(4) of the Registration Act,1908.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.R.Govindasamy,
Special Government Pleader
for R1
No appearance for R2.

O R D E R

The petitioner is aggrieved against the communication issued by the first respondent dated 02.06.2017 to the second respondent informing that only a photo copy of the sale certificate was sent for filing the same under Section 89(4) of the Registration Act, 1908, and not a certified copy.

2. Mr.V.Raghavachari, learned counsel appearing for the petitioner submitted that a copy of the sale certificate sent to the 1st respondent was not for registering the same and on the other hand, it was sent for the purpose of filing the same as required under Section 89(4) of the Registration Act, 1908. Therefore, he submitted that the reasons stated in the impugned proceedings, cannot be sustained.

3. On the other hand, the learned Special Government Pleader submitted that when the photo copy without the signature of the issuer of the sale certificate was sent, the same cannot be treated as the one sent in compliance of Section 89(4) of the Registration Act even for the purpose of filing the same.

4. It is seen that the petitioner is the purchaser of the property through the sale conducted by the 2nd respondent. It is further seen that in pursuant to the sale, the 2nd respondent sent a copy of the sale certificate to the 2nd respondent, however not for registering the same but for filing the same under 89(4) of the Registration Act, 1908. The only objection raised by the 1st respondent is that the photo copy without any signature of the issuer of the sale certificate, cannot be treated as a copy of the sale certificate as contemplated under Section 89(4) of the said Act. Needless to say that when a copy is to be sent as required under the relevant provision, such copy is to be certified in a manner known to law so as to enable the 1st respondent to act in accordance with Section 89(4) of the said Act.

5. Admittedly, in this case, only a photo copy of the sale certificate was sent without there being any certification of the genuineness of such document. Therefore, it is for the 2nd respondent to sent a certified copy of the sale certificate to the 1st respondent for the purpose of filing the same under Section 89(4) of the Registration Act, 1908. As and when such certified copy of the sale certificate is received, it is for the 1st respondent to proceed with in accordance with law as contemplated under Section 89(4) of the Registration Act and pass appropriate orders on merits and in accordance with law.

6. With the above observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Sub-Registrar,
Alandur, Chennai - 600 061
2. The Authorized Officer,
State Bank of India,
Stressed Assets Management Branch,
112, Raja Plaza, Avinashi Road, Coimbatore - 641 037

+1cc to Mrs.S.R.Sumathy, Advocate, S.R.No.11820

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.11606

+1cc to the Government Pleader, S.R.No.12158

RRK(22/02/2018)

W.P.No.15101 of 2017

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