



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)No.18283 of 2019

and

W.M.P. (MD)No.14716 of 2019

WEB COPY

Rayappan

... Petitioner

vs.

The Sub Registrar,
Verkilambi,
Verkilambi Post,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal check slip issued by the respondent vide Refusal No.RFL/Verkizhambi/8/2019 dated 25.06.2019 and quash the same as illegal and consequently direct the respondent to register the sale certificate issued by the sub court, Padmanabhapuram dated 22.01.2019, in favour of the petitioner, in the register maintained by the respondent's office including encumbrance register.

For Petitioner :Mr.K.P.Narayanakumar

For Respondent :Mr.M.Murugan

Government Advocate

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the impugned check slip issued by the respondent, dated 25.06.2019 refusing to register the sale certificate and consequently, to direct the Register the sale certificate issued by the Sub Court, Padmanabhapuram, dated 22.01.2019 in favour of the petitioner.

2.The petitioner states that in execution of a decree in O.S.No.201 of 2017, a property was brought to sale in public auction and in the execution proceedings, the petitioner states that he purchased the property for a sum of Rs.3,30,000/- in the public auction held on 15.11.2018. After the sale was confirmed on 22.01.2019, the petitioner states that a sale certificate was issued to him on 22.01.2019 by the Subordinate Court, Padmanabhapuram. The petitioner further states that he has paid stamp duty of Rs.26,400/- for issuing sale certificate. When the petitioner submitted the sale certificate before the respondent for registration, by the impugned order, the respondent refused to register the same, on the ground that the parties to the document are not present before the



registrar to execute the document. Aggrieved by the same, the present Writ Petition is filed.

3.The learned Counsel for the petitioner relied upon Section 89(2) of Registration Act. Section 89(2) of Registration Act reads as follows:

(2) Every court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908, (5 of 1908) shall send a copy of such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate to the Registering Officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in such certificate is suite, and such officer shall file the copy in his Book No.1."

4.The sale certificate obtained by the petitioner, is a document to be registered under Section 89(2) of the Act. However, as per the requirement of Section 89(2), the Court, which granted certificate sale of a immovable property, is required to send a copy of sale certificate to the Registering Authority within the local limit of the registrar. In the present case, instead of getting sale certificate forwarded through Court, the petitioner himself has directly approached the Registering Authority. Hence, this Writ Petition is disposed of with an observation that the petitioner may file necessary application before the Court, which granted the sale certificate, so that the copy of the sale certificate will be registered in the manner required under Section 89(2) of the Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cmr
To
The Sub Registrar,
Verkilambi,Verkilambi Post,
Kanyakumari District.

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-106136[F]

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