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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-09-2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28482 of 2012

Mr.N.Samsudeen

... Petitioner

.Vs.

1. The Sub Registrar,
Sub Registrar Office,
Thiruvotriyur,
Chennai - 600 019.
2. The Recovery Officer,
Debts Recovery Tribunal-II,
4th Floor, Spencer Towers,
770-A, Anna Salai,
Chennai - 600 002.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to file the copy of Sale Certificate No.19/2012 (DRT No.260/2001) dated 01.08.2012, issued by the second respondent in favour of the petitioner, in Book No.1, maintained in the office of the second respondent by making necessary entries therein as per communication dated 01.08.2012 issued by the second respondent to the first respondent.

For Petitioner : Mr.C.Johnson

For Respondent-1 : Mr.K.M.D.Muhilan
Government Advocate

For Respondent-2 : Mr.B.Sekar
Central Government
Standing Counsel



O R D E R

The relief sought for in the present writ petition is to direct the first respondent to file the copy of Sale Certificate No.19/2012 (DRT No.260/2001) dated 01.08.2012, issued by the second respondent in favour of the petitioner, in Book No.1, maintained in the office of the second respondent by making necessary entries therein as per communication dated 01.08.2012 issued by the second respondent to the first respondent.

2. The grievance of the petitioner is that an application in O.A.No.702 of 1998 was filed before the Debts Recovery Tribunal No.I, Chennai and it was ordered. The Recovery Certificate in No.166 of 2000 was issued on 26.05.2000 in O.A.No.702 of 1998 relating to Plot No.127, measuring an extent 4,140 sq. ft., in Survey No.1/1A, Thanigai Nagar, Sadayankuppam Village.

3. The petitioner states that the Sale Certificate is not registered by the Sub Registrar, despite the fact that decree was passed by the Competent Forum. Thus, the petitioner is constrained to move the present writ petition.

4. Under Section 17(2)(xii) of the Registration Act, the Registration of Sale Certificate is an option and it is not compulsory. In such circumstances, the Sale Certificate cannot be equated with the other documents, which is to be registered compulsorily.

5. In this regard, the legal principles are settled in the case of Cenney Hotels Pvt Ltd., through its Managing Director S.Venkatesh vs. State of Tamil Nadu represented by Inspector General of Registration, Santhome, Chennai-600 004 and others [2010 (4) CTC 802], wherein this Court, in paragraph-14, observed as under:-

"14. A reading of the above judgment would reveal that the purchaser of a property by sale through Civil or Revenue Court has no disadvantage because of lack of registration in view of the fact that under Section 17(2)(xii) of the Registration Act, Certificate of Sale is not a compulsory registrable document and consequently, the transfer of title in his favour will not be vitiated by non-registration. But so far as the certificate issued by the Authorised Officer is concerned, it cannot be equated with the certificate issued by the Revenue or Civil Court. As contended by the learned Counsel for the Petitioner, the nomenclature given to the document issued by the Authorised Officer



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10. With the abovesaid clarifications, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Sub Registrar,
Sub Registrar Office,
Thiruvotriyur,
Chennai - 600 019.
2. The Recovery Officer,
Debts Recovery Tribunal-II,
4th Floor, Spencer Towers,
770-A, Anna Salai,
Chennai - 600 002.

+1cc to Mr.C.Johnson, Advocate, S.R.No.50073

+1cc to the Government Pleader, Advocate, S.R.No.50842

W.P.NO.28482 OF 2012

SSV(CO)
PBS/28/10/2021