



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18..06..2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.9312 of 2021

Punjab National Bank,
Rep. by its Chief Manager,
Circle Sastra Centre,
No.448A, Dr.Nanjappa Road,
Coimbatore-641 603.

... Petitioner

-Versus-

1.The Sub Registrar,
Joint-II, Tirupur,
Pin 641 603.

2.Mrs.Mary Maragatham

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent relating to refusal check slip dated 19.03.2021 and to quash the same as null and void and consequently, direct the 1st respondent to register the sale certificate dated 04.03.2021 issued by the petitioner bank in favour of the auction purchaser-Mrs.C.Kalpana.

For Petitioner	: Mr.M.L.Ganesh
For Respondent(s)	: Mr.K.M.D.Muhilan, GA for R1

ORDER

[This matter has been heard through video conference]

This writ petition has been filed challenging the order of the 1st respondent dated 19.03.2021 refusing to register the sale certificate issued by the petitioner bank in favour of Mrs.Kalpana, the auction purchaser of the property.



2. The issue is no more res integra. This court by order dated 29.04.2021 in Writ Petition No.9607 of 2021 [Mr.V.Hariharan and another v. The District Registrar, Registration Department, Chennai-South Registration Department, Chennai, 600015] has held that the Sub Registrar cannot refuse to register a document on the ground that the property was subjected to an order of attachment and the holder of the sale certificate, who has purchased the property pendente lite shall take the risk of encumbrances created over the property prior to his purchase.

3. In the light of the settled legal position, the impugned refusal check slip issued by the 1st respondent dated 19.03.2021 is hereby quashed and the 1st respondent is directed to register the sale certificate dated 04.03.2021 issued by the petitioner bank in favour of the auction purchaser - Mrs.C.Kalpana, if it is otherwise in order, within a period of two weeks from the date of receipt of a copy of this order. This writ petition is allowed accordingly with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Sub Registrar, Joint-II,
Tirupur, Pin 641 603.

+1cc to the Government Pleader (SR No.28527)

Writ Petition No.9312 of 2021

JPL (CO)
PR (22/07/2021)