



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.11322/2021

[Video Conferencing]

M/s.IIFL Home Finance Ltd.,  
Formerly known as India Infoline  
Housing Finance Ltd., [IIFL]  
Having its registered Office at  
12-A-10, 13<sup>th</sup> Floor, Parinee Crescenzo,  
C-38&C-39, G Block,  
Behind MCA, Bandra Kurla Complex,  
Bandra East, Mumbai - 400 051.

Branch office presently at  
3<sup>rd</sup> Floor, 'Kences Towers'  
New No.1, Ramakrishna Street,  
North Usman Road, T.Nagar,  
Chennai - 600 017.

... Petitioners

Through: Its Authorized Officer  
Mr.T.Vijayakumar

Versus

1. The Joint-II Sub Registrar,  
Sub Registration Office  
Ramapuram, Chennai South.

2. M.Aravindra Rajendran

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1<sup>st</sup> respondent to consider the application dated 31.03.2021 filed for permitting the petitioner to register the Sale Certificate dated 25.03.2021 issued in favour of the 2<sup>nd</sup> respondent.

For Petitioner : Mr.V.Balasubramani

For R1 : Mr.K.M.D.Muhilan  
Government Advocate



## ORDER

1. The writ petition has been filed seeking consideration of the online application for registration of the Sale Certificate dated 25.03.2021. The online application was presented on 31.03.2021. The petitioner herein, is a Finance Company dealing with Housing Finance. In the course of their business, they had extended loan facility against equitable mortgage to a sum of Rs.90,20,000/- to one Mr.V.V.Gopikrishnan, Mrs.Mahalakshmi and M/s.Jai Sai Ram Associates and also, another sum of Rs.1,74,80,000/- on 19.08.2015 and 29.07.2015 respectively. There were terms and conditions for repayment of the said amounts. The amounts were not returned and default committed. Consequently, under Section 13[2] of the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002, proceedings were initiated. The petitioner, as a secured creditor, issued statutory notice and proceeded against the borrowers under Section 13[4] of the said Act. A notice was published in the newspaper. Thereafter, they have produced the Sale Certificate for registration which was dated 25.03.2021 and had applied for registration of the same on 31.03.2021 through online.

2. It is claimed by the learned counsel for the petitioner that the respondents, particularly, the 1<sup>st</sup> respondent / Joint-II Sub Registrar, Ramapuram, Chennai South, had refused to receive the Sale Certificate.

3. An obligation is placed on the 1<sup>st</sup> respondent to receive the Sale Certificate and thereafter, take a decision, either to register or to refuse registration. He may proceed to register the same if the papers are in order. He may even refuse to register the same owing to various reasons, but such reasons should be communicated to the petitioner. It is well within the powers of the 1<sup>st</sup> respondent to take either decision. But, when he takes either decision, he should put the petitioner on notice with respect to the reasons for the same.

4. Therefore, the petitioner may apply online afresh for presenting the Sale Certificate dated 25.03.2021 for registration and thereafter, on the date fixed on the online application, present the same for registration before the 1<sup>st</sup> respondent. The 1<sup>st</sup> respondent may, as stated, either register or refuse registration. If he refuses registration, let him give reasons for the same.

5. The petitioner to approach the 1<sup>st</sup> respondent by fixing on a date for registration within a period of two weeks from the date of receipt of a copy of this order and thereafter, the 1<sup>st</sup> respondent may take a decision, to either register or to

