



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 19.07.2021

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THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 13563 of 2021

and

WMP.No.14430 of 2021

K. Jayaraman

...

Petitioner

Vs

1. The Tahsildar,
Mambalam Taluk,
Chennai.
Chennai District.

2. The Zonal Deputy Tahsildar,
Mambalam Taluk,
Chennai,
Chennai District.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in patta transfer application in No.2021/0153/02/000764 dated 20.06.2021 and directing the respondents to issue patta in respect of T.S.No.17 Block No.44, measuring 1349 sq.ft in Old NO.35, New No.26 Jennis Road, Saidapet, Chennai 15 in the light of judgment 2008(1) CTC 660.

For petitioner

... Mr. J. Franklin

For respondents

... Mr. Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition has been filed challenging the order passed by the 2nd respondent refusing to register a sale certificate, which was submitted by the petitioner for registration.

2. According to the petitioner, he is the successful bidder in respect of the land in T.S.No.17 of Zamin Mambalam Village, Mambalam Guindy Taluk, in a public auction conducted by the Indian Bank, Chennai, North Branch, under the SARFAESI Act. He has paid the entire amount and the sale was also confirmed in his favour and sale certificate was also issued on 31.08.2020. Based on the sale certificate, possession of the property was also handed over to the petitioner. Subsequently, he submitted his application before the first respondent through on-line for



issuing patta and the second respondent sent a communication stating that his application has been rejected without assigning any reason whatsoever. Now, challenging the same, the present writ petition has been filed.

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3. The learned counsel for the petitioner would submit that for issuance of patta, registering a sale certificate is not compulsory and it is an optional one and for that reason, the 2nd respondent cannot refused to issue patta. That apart, the petitioner has also produced all the parent documents relating to the property and that was also not considered by the 2nd respondent in a proper perspective. The learned counsel further submitted that the borrower did not challenge the same so far and hence, the auction sale becomes final. In the said circumstances, the 2nd respondent cannot refuse to issue patta. To support his contention, the learned counsel also relied upon a Division Bench Judgment of this court in the case of K. Chidambara manickam /vs/ Shakeena & others reported in 2008(1) CTC 660 .

4. The learned Government Advocate appearing for the respondent would submit that since the petitioner fails to produce the parent documents, the Registrar refused to issue patta and the impugned order clearly shows the same and it cannot be stated as a non-speaking order.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. From the perusal of the order, it could be seen that the 2nd respondent only refused to issue patta on the ground that the petitioner fails to produce the parent documents. According to the petitioner, all the parent documents along with the sale certificate has been produced by the petitioner and without considering the same, the Tahsildar refused to issue patta.

7. Considering the above circumstances, this writ petition is allowed and the impugned order passed by the 2nd respondent is set-aside and the petitioner is directed to submit the Sale Certificate along with the parent documents with the first respondent within a period of two weeks from the date of receipt of a copy of this order and the first respondent is directed to consider the same and issue patta, if the papers are otherwise in order, within a period of four(4) weeks thereafter. No costs. Consequentially, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



mrp

To

1. The Tahsildar,
Mambalam Taluk,
Chennai.
Chennai District.

2. The Zonal Deputy Tahsildar,
Mambalam Taluk,
Chennai,
Chennai District.

+1cc to the Government Pleader, S.R.No.35010

W.P. No. 13563 of 2021