



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3989 of 2022

R.Anandakrishnan

... Petitioner

Vs.

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

2. The Sub Registrar,
Chekkanurani SRO,
Madurai.

3. The Secretary cum Co-ordinator,
Administrator Committee of
Disc Assets Lead (India) Ltd.,
119, Canal Bank Road,
CIT Nagar, Chennai-600 035.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 & 2 to enter the sale certificate dated 11.02.2022 issued and forwarded by the 3rd respondent in Book No.1 u/s.89 of the Registration Act, 1908, in line with the order dated 15.12.2021 made in W.P Nos.8084 & 18371 of 2017 passed by this Hon'ble Court, without insisting the stamp duty.

For Petitioner : Mr.Antony Arul Raj
For Respondents : Mr.J.John Rajadurai
Government Advocate for R1 & R2

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to enter the sale certificate dated 11.02.2022 issued and forwarded by the third respondent under Section 89 of the Registration Act, 1908 [hereinafter referred to as 'the Act'] without insisting upon the payment of stamp duty.

2.It is the contention of the petitioner that he was the successful bidder in the auction conducted by the third respondent, thereafter a sale certificate dated 11.02.2022 was also issued in his favour for the subject property. The petitioner presented the



sale certificate for registration. The third respondent has also forwarded the sale certificate issued in favour of the petitioner to the second respondent for registration in book-I under Section 89 of the Act. However, till date, the second respondent has not registered the sale certificate. In such circumstances, the petitioner has filed this writ petition.

3. Heard Mr. Antony Arul Raj, learned Counsel appearing for the petitioner and Mr. J. John Rajadurai, learned Government Advocate who accepts notice on behalf of the respondents 1 and 2.

4. Learned Counsel for the petitioner drew the attention of this Court to a judgment of the learned Single Judge of this Court dated 17.11.2021 passed in W.P.No.20639 of 2021, pertaining to the very same third respondent who had sold through an auction to the petitioner therein a property and the sale certificate in that case also was refused to be registered but pursuant to the order dated 17.11.2021, referred to supra, passed in W.P.No.20639 of 2021, a direction was issued to the second respondent to register the sale certificate in Book-I under Section 89 of the Act, without insisting upon the payment of stamp duty. In particular, learned Counsel for the petitioner referred to paragraph No.8 of the said order, wherein the learned Single Judge has held that when a sale certificate is presented before the second respondent not for the purpose of registration but only for the purpose of filing it under Section 89 of the Act, the second respondent cannot refuse acceptance for registration under Book-I.

5. Section 89(2) of the Act makes it clear that once a copy of the sale certificate is forwarded by the Court granting a certificate of sale, the registering authority within the local limits of whose jurisdiction the property is situated, shall file the copy of the sale certificate in Book-I. In the case on hand also, the property has been purchased by the petitioner only pursuant to the directions given by the Division Bench of this Court in W.P.Nos.8084 of 2017 and 18371 of 2017 dated 11.10.2017, under which the third respondent was authorised to sell the property through public auction and the petitioner became the successful bidder in the auction conducted by the third respondent and only thereafter the sale certificate came to be issued in his favour. The petitioner has also not sought for registration of the sale certificate but has only requested the registering officer to file the sale certificate in Book-I in accordance with the Act.

6. After giving due consideration to the aforementioned facts, this Court is inclined to allow the writ petition. Learned Government Advocate appearing for the respondents has also not raised any serious objection for allowing this writ petition as the law is very clear on the point of issue involved in this writ petition.



7. Accordingly, the prayer sought for in this writ petition is granted and the writ petition is allowed and a direction is issued to the second respondent to file the sale certificate submitted by the third respondent in respect of the property purchased by the petitioner in Book-I as per the provisions of Section 89 of the Act within a period of two [2] weeks from the date of receipt of a copy of this order. The second respondent is also not empowered to insist for payment of stamp duty under the provisions that are applicable for normal registrations which fall under Book-II. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*

To

1. The Inspector General of Registration,
100, Santhome High Road,
Chennai-600 028.

2. The Sub Registrar,
Chekkanurani SRO,
Madurai.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate (SR-10015[F] dated 04/03/2022)

+1 CC to M/s.SPL GP (SR-10680[F] dated 08/03/2022)

ORDER MADE IN
W.P. [MD]No.3989 of 2022
04.03.2022

ims (CO)

TR(18.03.2022) 3P 5C