IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5581 of 2022

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1. Smt. Leena Gupta Wife of Sh. Kamal Kumar Gupta, resident of Bata More, in front of Shani temple, Station Road, P.O. - Gaya, District - Gaya- 823001, Bihar.
2. Sh. Kamal Kumar Gupta Son of Tarachand Gupta, resident of Bata More, in front of Shani temple, station road, P.O. - Gaya, District - Gaya - 823001, Bihar.

... ... Petitioner/s

Versus

1. Union Bank of India through its Chairman, Union Bank Bhavan, 239, Vidhan Bhavan Marg, Nariman Point, Mumbai - 400021 Maharashtra, India.
2. Branch Manager, Union Bank of India, Branch- Dhami Tola, P.O. and District- Gaya, Pin- 823001.
3. State of Bihar through its Principle Secretary (Revenue and Land Reforms, Department, Govt. of Bihar, Patna)
4. The Registrar, Gaya Registry Office, Dr. Haridas Chaterjee Lane Gaya.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rohit Kumar Tripathi, Advocate
For Respondents 1 & 2	:	Mr. Nishi Nath Ojha, Advocate
For respondents 3 & 4	:	Mr. Sajid Salik Khan, SC 25
	:	Mr. Arif Daula Siddiqui, AC to SC 25

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT
Date : 21-08-2023

1. The present petition has been filed seeking the following relief :-

> *"(i) For issuance of an appropriate Writ(s)/ Order(s)/ Direction(s) to the Respondent Bank for registering the sale certificate bearing number- NROP: SEC: AUTH: CM: 1310: 2011-12 under Rule 9(6) issued by Nodal Regional Office, Union Bank of India, Nasheman, Mazharul Haque Path, Patna-*

800001, Bihar under the seal of the Authorized Officer (A.O) dated 13.10.2011 in favour of the Petitioners by the Respondent Bank.

(ii) For a direction to the Respondent Bank to pay the increased difference in payable stamp duty for the registration of the sale certificate of the land in question due to undue delay caused by the Respondent Bank."

2. At the outset, the learned counsel for the respondent- Bank has referred to a judgment ***dated 11.11.2022***, passed by the Hon'ble Apex Court in ***S.L.P. (C) no. 16949 of 2022 (The Inspector General of Registration and another v. G.Madhurambal and another),*** relevant portion whereof, is reproduced herein below :-

" Learned counsel for the petitioner(s) has made a valiant endeavor to persuade us to interfere with the impugned judgment(s) but not successfully. It is logically so as this issue has been repeatedly settled and if one may say, a consistent view followed for the last 150 years. We may refer to the judgments by the Madras High Court in the Board of Revenue No:2 of 1875 (In Re: Case Referred) dated 19.10.1875 opining that a certificate of sale cannot be regarded as a conveyance subject to stamp duty,

by the Allahabad High Court in Adit Ram v. Masarat-un-Nissa opining that a sale certificate is not an instrument of the kind mentioned in clause (b) of section 17 of Act III of 1877 and is not compulsorily registrable, and this Court's view in Esjaypee Impex Pvt. Ltd. v. Asst. General Manager and Authorised Officer, Canara Bank opining that the mandate of law in terms of Section 17(2) (xii) read with Section 89(4) of the Registration Act, 1908 only required the Authorised officer of the Bank under the SARFAESI Act to hand over the duly validated Sale Certificate to the Auction Purchase with a copy forwarded to the Registering Authorities to be filed in Book I as per Section 89 of the Registration Act and order of this Court in M.A. No. 19262/2021 in SLP (C) No.29752/2010 dated 29.10.2021 opining that once a direction is issued for the duly validated certificate to be issued to the auction purchaser with a copy forwarded to the registering authorities to be filed in Book I as per Section 89 of the Registration Act, it has the same effect as registration and obviates the requirement of any further action.

It is time that the authorities stop filing unnecessary special leave petitions only with the objective of attaining some kind of a final dismissal from this Court every time. Costs this time has been spared but will not be spared the *next time.*

The needful be done in terms of the impugned judgment (s) within 15 days from today."

3. In view of the aforesaid, the respondent- Bank submits that the Bank would be forwarding the sale certificate to the registering authority, to be filed in Book I, as per ***Section 89 of the Registration Act,*** within a period of four weeks from today.

4. It is directed, accordingly.

5. It is needless to state that once the registering authority receives the sale certificate in question, it would take necessary steps for mutation of the name of the petitioner in the revenue records, within a period of four weeks, thereafter.

6. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.08.2023
Transmission Date	NA