



W.P.No.32756 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

W.P.No.32756 of 2023

1. N.Vineeth Kumar  
S/o.Naatchimuthu

2. C.Vidhyalakshmi  
D/o.Chennimalai

... Petitioners

versus

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

2. The Sub-Registrar  
Sulur Sub-Registration District  
Sulur - 641 402.

3. The Recovery Officer-I  
Debt Recovery Tribunal  
Office of the Recovery Officer  
2nd & 3rd Floor, Jawans Bhawan  
T.B.Road, Coimbatore - 641 018.

... Respondents



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Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to file in Book No.1 in the office of the 2nd respondent, the Certificate of sale dated 02.02.2023 issued in favour of the petitioners, forwarded by the 3rd respondent on 02.02.2023 in terms of Section 89(4) of the Registration Act, 1908.

For Petitioners : Mr.S.Prem Auxilian Raj  
For Respondents : Mr.P.Gurunathan  
Additional Government Pleader

### **ORDER**

Mr.P.Gurunathan, learned Additional Government Pleader accepts notice for the respondents. By consent of both sides, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioners seek for a mandamus directing the 2nd respondent to register the Sale Certificate dated 02.02.2023 in their favour.

3. The learned counsel for petitioners submits that the petitioners are auction purchasers of the immovable properties from the Recovery Officer, who is third respondent herein and the Sale Certificate was issued in favour of petitioners on 02.02.2023. In compliance of Section 89(4) of 'the Registration Act, 1908' [hereinafter 'said Act'], the third respondent sent the

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copy of the Sale Certificate to the second respondent but till date, the second respondent did not register the same. Thereafter, on 07.10.2023, the petitioners approached the second respondent and the second respondent issued a refusal check slip vide Refusal No.RFL/Sulur/60/2023 stating that the Sale Certificate has been issued on 02.02.2023, but the date sought for registration of the Sale Certificate is on 07.10.2023 and the period of delay for registration is beyond the time granted under Sections 23 and 25 of the said Act and hence, the Sale Certificate dated 02.02.2023 cannot be registered. Hence the present writ petition has been filed.

4. The learned Additional Government Pleader fairly conceded that the second respondent received the Sale Certificate on 02.02.2023 itself and a direction may be issued to the second respondent to register the same.

5. On a perusal of the acknowledgment issued on 06.02.2023, it is seen that the Sale Certificate was sent to the second respondent within a stipulated time. However, for the reasons best known to him, the second respondent did not proceed to register the Sale Certificate as contemplated



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under the said Act and later on, he gave refusal check slip which is unwarranted. Therefore, this Court is of the view that the second respondent should be imposed with costs for not registering the Sale Certificate which is presented within the stipulated time.

6. Accordingly, this Writ Petition is allowed with costs of Rs.50,000/-. The second respondent is directed to pay the costs of Rs.50,000/- from his salary to the petitioners and register the Sale Certificate, if it is otherwise in order within a period of two weeks from the date of receipt of a copy of this order.

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Speaking/Non-speaking order  
Index:Yes/No  
Neutral citation : Yes/No

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To

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100, Santhome High Road  
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**P.VELMURUGAN, J.**

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