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07.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12640 of 2024

SM Developer & Ors.
Vs.
The Learned District Registrar,
North 24 Parganas & Ors.

Mr. Pritam Choudhury,
...for the petitioners

1. Affidavit-of-service filed in Court today be kept on record.
2. Despite service, none appears for the respondents.
3. The petitioners contend that the petitioners purchased a property from the Securities and Exchange Board of India (SEBI) in a public auction. Accordingly, certificate of sale was also issued, which is annexed at page 12 of the writ petition. Thereafter, in terms of Section 89(4) of the Registration Act, 1908, an intimation was made to the office of the ADSR, Barasat, to make the necessary recordings in Book-I kept with the said Additional Registrar. However, no steps have been taken thereafter.
4. A perusal of Section 17(2)(xii) indicates that any certificate of sale granted to the purchaser of any property sold by public auction by a Civil or

Revenue Officer comes within the exception clause of the said section.

5. Section 89(4) stipulates that every Revenue Officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send the copy of the certificate to the registering officer concerned and such officer shall file the copy in his Book No. I.

6. Having not done so, the respondent no. 2, that is, the Additional District Sub Registrar, Barasat, ought to be directed to comply with the said provision in terms Section 17(2)(xii) read with Section 89(4) of the Registration Act.

7. Accordingly, W.P.A. No. 12640 of 2024 is disposed of by directing the respondent no. 2 to act on a server copy of this order and make necessary entries in Book No. I in terms of the communication made by the SEBI to the office of the ADSR, Barasat, annexed at page 13 of the writ petition, at the earliest, preferably within four weeks from the date of communication of this order to the respondent no. 2.

8. There will be no order as to costs.

9. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)