



WEB COPY



WP.No.11539 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11539 of 2023

N.Somasundaran

.. Petitioner

Versus

1.The Sub Registrar
Anthiyur Sub Registrar Office
Anthiyur, Erode District

2.The Branch Manager
State Bank of India
Nethaji Road Branch
Periyar Mandram Complex
Erode, Erode District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records and quash the Refusal Check Slip No. RFL/Anthiyur/11/2023 issued by the 1st respondent herein dated 20th March 2023 and further direct the 1st respondent herein to register the sale deed.

For Petitioner : Mr.S.Lakshmanasamy

For Respondent : Mr.P.Anandha Kumar for R1
Government Advocate
Mr.M.L.Ganesh for R2



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ORDER

Challenge has been made to the refusal checkslip issued by the respondent on the ground that the mortgage is in favour of the second respondent.

2. The learned counsel for the petitioner would submit that the petitioner is the purchaser, when he presented the document, the same was refused to be registered. He submitted that the petitioner is ready to clear the mortgage money to the bank by way of demand draft by tomorrow itself, i.e., on 26.06.2024.

3. The learned counsel for the second respondent submitted that as on today, a sum of Rs.44,88,122.84/- is due to the bank, if the same is paid, the bank will receive such amount and will issue No Objection Certificate.

4. Heard both sides and perused the materials placed on record. By consent of both parties, this writ petition is taken up for final disposal.

5. The very purpose of mortgage is to realise the amount. When the purchaser is willing to pay the amount, the bank shall receive the amount by way of demand draft, by tomorrow, i.e., 26.06.2024. After receipt of the



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payment, the bank shall issue No Objection Certificate to the petitioner for registering the document within a period of one week. On receipt of such No Objection Certificate, the petitioner shall present the document before the second respondent/Sub-Registrar and the Sub-Registrar shall register the same within a period of 15 days thereafter.

6. Accordingly, the impugned order stands quashed and this writ petition stands allowed. No costs.

25.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

Note: Issue Order Copy on 25.06.2024

To,

1.The Sub Registrar
Anthiyur Sub Registrar Office
Anthiyur, Erode District

2.The Branch Manager
State Bank of India
Nethaji Road Branch
Periyar Mandram Complex
Erode, Erode District

N. SATHISH KUMAR, J.



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