



WEB COPY



W.P.No.13079 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.13079 of 2023

1.M/s.Housing Development Finance Corporation Ltd.
Rep. by its Authorised Officer
HDFC House-29, Kamaraj Road
Near Circuit House
Coimbatore 641 018

2.Ilakkiya.T
No.29/1A, MGR Nagar
Rathnapuri, Coimbatore 641 027

.. Petitioners

Vs

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

2.The Sub Registrar
O/o.The Sub Registrar, Dharapuram
No.67, Park Road, Taluk Office Campus
Dharapuram, Tiruppur District
Tamil Nadu 638 656

.. Respondents

Writ petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorarified Mandamus calling for the
records of the 2nd respondent herein *vide* refusal check slip in



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RFL/Dharapuram/25/2023 dated 31.03.2023 and quash the same and consequently direct the 2nd respondent to register the sale certificate dated 13.01.2023 executed by the 1st petitioner in favour of the 2nd petitioner.

For Petitioners : Mr.K.J.Parthasarathy

For Respondents : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

With the consent of both sides, the Writ Petition is taken up for disposal at the admission stage itself.

2. Challenging the impugned refusal check slip dated 31.03.2023 passed by the 2nd respondent in No. RFL/Dharapuram/25/2023 and also for a consequential direction to the 2nd respondent to register the Sale Certificate dated 13.01.2023 issued by the 1st petitioner bank in favour of the 2nd petitioner, this writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Advocate General appearing for the respondents and perused the materials placed on record.



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4. It is relevant to note that the 2nd petitioner is a successful purchaser, who purchased the subject property, auctioned under the SARFAESI proceedings. In respect of the subject property, a Mortgage Deed was executed in the year 2012 and a Sale Agreement was also executed in the year 2020. When such being the position, mere execution of mortgage and sale agreement will not have any impact on its subsequent transfer.

5. In such view of the matter, the action of the 2nd respondent refusing to register the Sale Certificate, cannot be sustained, in the eye of law and therefore, the impugned order passed by the 2nd respondent is set aside and the 2nd respondent is directed to register the Sale Certificate dated 13.01.2023 executed by the 1st petitioner in favour of the 2nd petitioner, as per law, within a week's time from the date of receipt of a copy of this order.

With the above direction, this writ petition is allowed. No costs.

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gya

Index : Yes/No

Neutral Citation : Yes/No



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