IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19193 of 2024

Ravichandran Rajagopal ... Petitioner

versus

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

2.The Sub Registrar,
Dadagapatti Sub Registrar Office,
Dadagapatti,
Salem District.

3.The Authorised Officer,
The South Indian Bank Ltd.,
S.I.B. House,
T.B.Road, P.B.No.28,
Thrissur - 680 001, Kerala. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 & 2 to enter the Sale Certificate dated 09.01.2024 in Book No.1 u/s.89(4) of the Registration Act, 1908 issued by the third respondent under Rule 9(6) of the SARFAESI Rules, 2002 without insisting the stamp duty.

For Petitioner : Mr.P.Krishnan

For Respondent Nos.1 & 2 : Mr.M.Shajahan
Special Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to direct the respondents 1 and 2 to enter the Sale Certificate dated 09.01.2024 in Book No.1 under Section 89(4) of the Registration Act, 1908 issued by the third respondent under Rule 9(6) of the SARFAESI Rules, 2002 without insisting the stamp duty.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 & 2 and perused the materials available on record.

4. It is the grievance of the writ petitioner that he has purchased the property in an e-auction sale conducted by the authorised officer on 09.01.2024. When a copy of the Sale Certificate has been forwarded by the authorised officer, the same has not been entered. Hence, he seeks a direction.

5. When a copy of the Sale Certificate has been forwarded by the authorised officer, it is the statutory duty of the registering authority to enter the same in Book-I as mandatory under Section 89(4) of the Registration Act, 1908. There is a distinction between registration and filing, for just filing, the authorities have to follow the procedure under Section 89(4). The question of stamp will arise only when the party seeks to use the Sale Certificate for any other purpose, then payment of stamp will arise. As long as the copy is merely entered under Section 89(4), demanding any stamp duty also does not arise at all.

6. In such view of the matter, the second respondent is directed to enter the Sale Certificate dated 09.01.2024 in Book No.1 under Section 89(4) of the Registration Act, 1908 issued by the third respondent under Rule 9(6) of the SARFAESI Rules, 2002 without insisting the stamp duty, within a period of one month from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. No costs.

19.07.2024

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

sri

To

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

2.The Sub Registrar,
Dadagapatti Sub Registrar Office,
Dadagapatti,
Salem District.

N.SATHISH KUMAR, J.

sri

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