



WEB COPY



WP.No.21002 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.21002 of 2023

P.Srilakshmi

.. Petitioner

Versus

1.The State of Tamil Nadu
Represented by its Secretary to Government
Commercial Taxes and Registration Department
Secretariat, Chennai – 600 009

2.The Inspector General of Registration
No.100, Santhome High Road
Mullima Nagar, Raja Annamalai Puram
Chennai – 600 028

3.The Sub Registrar
O/o. The Sub Registrar Office, Villivakkam
Chennai – 600 049

4.The Authorised Officer
State Bank of India
ARM Branch
44, 1st Floor, Eldams Road
Teynampet, Chennai – 600 018

.. 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 pertaining to the Refusal Check Slip dated 07/06/2023 vide Refusal No. RFL/Villivakkam/22/2023 of the 3rd Respondent and quash the same and consequently direct the 3rd respondent and quash the same and consequently direct the 3rd Respondent to register the Sale Certificate dated 07/06/2023 executed by the 4th Respondent in favour of the petitioner.



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For Petitioner : Dr.S.S.Swaminathan
for Ms.Ra.Srividhya

For Respondents : Mr.R.Ramanlal, AAG
assisted by
Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Challenge has been made in this writ petition as against the order passed by the third respondent in refusing to register the Sale Certificate dated 07.06.2023 on the ground that the Sale Certificate is not valid in the eye of law, since the mortgage by deposit of title deeds have not been registered.

2. Heard both sides and perused the materials placed on record.

3. At the outset, this Court is of the view that the proceedings is said to be initiated under SARFAESI Act and the properties were purchased in public auction and the sale certificate is also issued and the same was sought to be registered, it is not for the Sub Registrar to go into the sale certificate as an appellate court. Once the proceedings have already been culminated into the public auction and issuance of sale certificate under SARFAESI Act, the Sub-Registrar has no right to question the mortgage. Such action is beyond the authority of the Sub-Registrar. In such view of the matter, the impugned



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proceedings of the respondent has to be quashed.

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4. Accordingly, this Writ Petition is allowed and the impugned proceedings of the third respondent stands quashed and the respondent is directed to register the sale certificate dated 07.06.2023 within a period of one month from the date of receipt of a copy of this Order. No costs.

03.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1.The Secretary to Government
The State of Tamil Nadu
Commercial Taxes and Registration Department
Secretariat, Chennai – 600 009

2.The Inspector General of Registration
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