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W.P.No.23062 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23062 of 2024

State Bank of India,
Stressed Asset Recovery Branch,
No.377/1, Dr.Nanjappa Road,
Coimbatore – 641 018
Rep. by its Assistant General Manager. ... Petitioner

VS.

1. The Registrar,
SRO, Thiruchengode,
Namakkal District.

2. Mrs.S.Sangeetha

3. M/s.Sriram Transport Finance Company Limited,
No.78/1, 1st Floor, CSM Complex,
Salem Main Road, Pon Nagar,
Namakkal – 637 001. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to register the sale certificate presented by the petitioner bank in favour of auction purchase, Mr.S.Ranjith notwithstanding the attachment order effected by Principal District Court, Namakkal.

For Petitioner : Mr.M.L.Ganesh
For Respondents : Mr.T.Chezhiyan (for R1)



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Additional Government Pleader

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ORDER

The petitioner herein seeks a direction to the 1st respondent to register the sale certificate presented by the petitioner bank in favour of the auction purchaser Mr.S.Ranjith, notwithstanding the attachment order passed by the Principal District Court, Namakkal.

2. The Encumbrance Certificate produced in the typed set of papers would suggest that in respect of subject land, an attachment order has been passed by the Principal District Court, in the suit filed by 3rd respondent.

3. The learned counsel for the petitioner by relying on the circular issued by the Inspector General of Registration in Circular No.22482/C1/2022 dated 12.07.2024 submitted that registration of sale certificate executed under the SARFAESI Act, shall not be refused by the 1st respondent and in this regard, the learned counsel relied on the order dated 25.04.2024 passed by this Court in WP.No.10746 of 2024.

4. The circular issued by the Inspector General of Registration dated



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12.07.2024, reads as follows:

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“f).... In this regard it is again brought to notice of the registering officer that detailed instructions have already been issued by Inspector General of Registration, Chennai vide Circular No.22832/C1/2023 dated 08.11.2023 stating that refusal orders should not be passed in respect of Sale Certificates executed under SARFAESI Act, 2002 on the ground that attachment order issued by Court is subsisting upon the subject property. It is hereby instructed that above instruction should be scrupulously followed without any deviation, failing which severe disciplinary actions will be taken.”

5. In view of the circular issued by the Inspector General of Registration, the 1st respondent is not entitled to refuse registration of the sale certificate executed under SARFAESI Act, on the ground that the attachment order passed by the Court is subsisting upon the subject property.

6. The learned Additional Government Pleader, appearing for the 1st respondent would submit that if the petitioner is willing to pay the stamp duty as applicable and demanded by the 1st respondent, there will not be any difficulty in considering the sale certificate presented for registration, in the light of the circular issued by the Inspector General of Registration dated



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7. The learned counsel for the petitioner submits that the petitioner is willing to pay the stamp duty applicable to the sale certificate as demanded by the 1st respondent. The said statement is recorded.

8. In view of the same, the 1st respondent is directed to register the sale certificate presented by the petitioner for registration, if it is otherwise in order.

9. Accordingly, the Writ Petition stands allowed. No Costs.

27.08.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

Note to office:

Issue order copy by 29.08.2024

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To

The Registrar,
SRO, Thiruchengode,

4/6



Namakkal District.

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S.SOUNTHAR, J.

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