



WEB COPY



WP.No.35163 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.35163 of 2022

Sridevi

.. Petitioner

Versus

1.The Inspector General of Registration
Santhome High Road
Raja Annamalaipuram, Chennai – 600 028

2.The Sub Registrar
Sub Registrar Joint 2
Chengalpattu

3.UCO Bank
Represented by its
Chief Manager/Authorised Officer
Mylapore, Chennai – 600 004

.. 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 relating to impugned Refusal check slip dated 14.06.2022 by RFL/Joint 2 Sub Registrar Chengalpattu/6/2022 bearing Application No is S01LANDvv202203220464513 and TP/122965939/2022 issued by the 2nd respondent and to quash the same as illegal arbitrary and consequently directing the 2nd respondent to register the sale Certificate dated 15.10.2018



WP.No.35163 of 2022

presented by Mrs.Seridevi, wife of Sathyakumar, the petitioner and the e-Auction purchaser of the immoveable property sold by 3rd respondent Bank and to release the same to the petitioner.

For Petitioner : Mr.R.Rajesh Vivekananthan

For Respondents : Mr.R.Ramanlaal, AAG
assisted by
Mr.B.Vijay for R1 & R2
Additional Government Pleader

ORDER

Challenge has been made against the refusal slip issued by the respondent refusing to register the sale certificate mainly on the ground that the same has been presented beyond the period of limitation.

2. It is the case of the petitioner that when the petitioner presented the sale certificate beyond the period stipulated under Section 23 of the Registration Act, the same has not been registered on the ground that timelimit has expired. Hence, this writ petition.

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

4. With the consent of both parties, this writ petition is taken up for final



WP.No.35163 of 2022

disposal.

WEB COPY

5. It is relevant to note that no doubt the sale certificate has been presented beyond the time, the fact remains that under Section 25 of the Registration Act, the delay can be condoned by the District Registrar, if the application is lodged before the Sub Registrar.

6. As there is a proviso for condoning the delay, let the writ petitioner file an application for condoning the delay with the Sub-Registrar, who shall forward it to the District Registrar. The District Registrar shall pass an order within a period of two months.

7. It is also to be noted that the purpose of registration is also collecting revenue. Section 25 of the Registration Act provides for payment of fine not exceeding ten times the amount of proper registration fees. Therefore, when the power is already vested with the authorities to impose the payment of fine for such delayed presentation, the authorities can exercise the discretion for the purpose of collecting the revenue to the Government. Therefore, once the sale certificate is already issued and reached finality, mere registering the document with delay will not have any serious impact. In fact, it will enable the respondents to collect proper revenue to the Government.



WP.No.35163 of 2022

WEB COPY 8. Keeping in mind the above principle, the authorities shall consider and pass appropriate orders. Accordingly, this writ petition stands disposed of. No costs.

13.06.2024

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



WP.No.35163 of 2022

1.The Inspector General of Registration
Santhome High Road
Raja Annamalaipuram, Chennai – 600 028

2.The Sub Registrar
Sub Registrar Joint 2
Chengalpattu

3.The Chief Manager/Authorised Officer
UCO Bank
Mylapore, Chennai – 600 004

N. SATHISH KUMAR, J.



WEB COPY



WP.No.35163 of 2022

W.P.No.35163 of 2022

13.06.2024