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WP.No.37854 of 2024

In the High Court of Judicature at Madras

Dated : 18.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.37854 of 2024

Mrs.L.Lalitha

...Petitioner

Vs

1.The Inspector General of
Registration, No.100,
Santhome High Road,
Chennai-28.

2.The Authorized Officer,
Bank of Baroda, Stressed
Asset Recovery Branch,
Chennai Rural Region,
Egmore, Chennai-8.

3.The Sub-Registrar,
Virugambakkam Sub-
Registrar Office,
Virugambakkam,
Chennai-92.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to consider her representation dated 23.8.2024 and consequently direct the third respondent to register the sale certificate issued by the second respondent dated 09.7.2024 and make entry in book No.1 on the file of the third respondent within the stipulated time fixed by this Court.



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For Petitioner : Mr.S.Santhosh Kumar
For R1 & R3 : Mr.S.Shahjahan, SGP

ORDER

The writ petition has been filed seeking a Mandamus to the third respondent to consider the representation of the petitioner dated 23.8.2024 to register the sale certificate dated 09.7.2024 issued by the second respondent.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader accepting notice for respondents 1 and 3.

3. The case of the petitioner is that the second respondent brought the property bearing plot No.78, Radha Avenue 5th Street, Sridevi Garden, Valasaravakkam, Chennai-87 measuring 2,700 sq.ft along with a constructed house measuring 630 sq.ft. on the ground floor and 360 sq.ft. on the first floor and appurtenances thereon comprised in S.No.22/1, Valasaravakkam Village, Maduravoyal Taluk for sale under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 on 25.6.2024. The petitioner, who had participated in the e-auction, was declared as the highest bidder and a sale certificate was issued on 09.7.2024 by the second respondent. Further, the second respondent sent a



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communication to the third respondent requesting to register the sale certificate in book No.1 as per Section 89 of the Registration Act. However, the third respondent has not registered the same on the ground that the stamp duty is required to be paid by the petitioner as per Article 18 of the Stamp Act.

4. Thereafter, the petitioner sent a representation dated 23.8.2024 to the third respondent with all the relevant documents including the orders passed by this Court as well as the Apex Court and requested to make an entry in book No.1. However, the third respondent has not come forward to register the same. Hence the writ petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

6. In the considered view of this Court, the reluctance on the part of the third respondent to register the sale certificate under Section 89 of the Registration Act would, prima facie, amount to contempt of the various orders passed by the Hon'ble Supreme Court as well as this Court wherein it has been held that the registration



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contemplated under Section 89(4) of the Registration Act is only for the purpose of filing and therefore, it does not attract stamp duty or registration fees. The conduct of the third respondent is in contra distinction to the registration contemplated under the Registration Act.

7. Useful reference can be made to the decisions of the Hon'ble Supreme Court (i) in the case of ***Inspector General of Registration & another Vs. G.Madhurambal & another [reported in 2022 SCC Online SC 2079]*** and the latest judgment in the case of (ii) ***State of Punjab Vs. M/s. Ferrous Alloy Forgings Pvt. Ltd. [Civil Appeal No.12527 of 2024 dated 19.11.2024]***.

8. In the light of the above, the third respondent cannot insist upon payment of stamp duty for a mere filing under Section 89(4) of the Registration Act.

9. Accordingly, the writ petition is allowed and the third respondent is directed to consider the representation of the petitioner dated 23.8.2024 and register the sale certificate dated 09.7.2024 issued by the second respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

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P.T.ASHA,J

RS

To

- 1.The Inspector General of
Registration, No.100,
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Bank of Baroda, Stressed
Asset Recovery Branch,
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