



W.P.(MD)No.12850 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.12850 of 2024

S.Palanisamy

=

... Petitioner

/Vs./

1.The District Registrar
Palani Registration District,
Palani,
Dindigul District.

2.The Sub Registrar,
Palani Sub Registrar Office,
Palani,
Dindigul District.

3.N.Soundharapandian
(R3 is impleaded vide court order dated 4.7.2024 in WMP(MD)No.
12712 of 2023 by GRSJ)

4.The Shreistadar,
District Munsif Court,
Palani, Dindigul District ... Respondents
(R4 is impleaded vide court order dated 18.07.2024 in W.M.P(MD)No.
13419 of 2024 by GRSJ)

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus to direct the respondents herein to register the
sale certificate dated 06.12.1993 in Book No.1 regarding the properties



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purchased by the petitioner through court-auction sale in 2nd respondent office in terms of Section 17(2)(xii) and 89(4) of the Registration Act 1908, without insisting any stamp duty and registration charges, considering on the basis of the petitioner's representation dated 27.02.2024.

For Petitioner : Mr.A.N.Ramanathan
For R1 & R2 : Mr.Veera Kathiravan
Additional Advocate General
Assited by
Mr.S.P.Maharajan
Special Government Pleader
For R3 : Mr.M.Senthilkumar

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus to direct the respondents herein to register the sale certificate dated 06.12.1993 in Book No.1 regarding the properties purchased by the petitioner through court-auction sale in 2nd respondent office in terms of Section 17(2)(xii) and 89(4) of the Registration Act 1908, without insisting any stamp duty and registration charges, considering the petitioner's representation dated 27.02.2024.



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2. The property comprised in S.No.33/4A, D to an extent of 4 acres and 38 cents situated in Sukkamanaickenpatti Village, Palani, Dindigul District was brought for auction sale by the District Munsif Court, Palani. The petitioner had participated in the auction and he was successful as highest bidder and the petitioner was issued with sale certificate on 06.12.1993 in respect of the said property. The petitioner presented the sale certificate for registration in the year 2024. However, it was not received and the petitioner submitted a representation dated 27.02.2024.

3. A counter was filed by the respondents 1 and 2.

4. The learned Additional Advocate General appearing for the respondents 1 and 2 would submit that the representation was submitted only on 27.02.2024 for registration of sale certificate which was issued on 06.12.1993 i.e after a period of 31 years. He would also submit that the petitioner was successful in the court auction in respect of the subject property held on 06.12.1993 and he was issued with sale certificate. The court in which the sale certificate was issued has to send a copy of the sale certificate to the second respondent for filing in book No.1. It is not



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the case of the petitioner that the court has already sent a sale certificate.

But the second respondent has refused to record the same in book No.1 is the petitioner's case. Apart from the same, after the said decree there has been much water flow on by way of various sale deeds in respect of the subject property. Therefore, no purpose would be served in directing the second respondent to file the decree in the record book. That apart, registration of sale certificate does not arise since the sale certificate would be sent by the concerned court in which sale certificate was issued for recording purpose. However, no sale certificate was sent to the second respondent from the concerned court.

5. In view of the above submission, the direction sought for in this writ petition cannot be considered and the writ petition is liable to be dismissed. Accordingly, the same is dismissed. No costs.

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Index : Yes / No
NCC : Yes / No
CM



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Dindigul District.

2.The Sub Registrar,
Palani Sub Registrar Office,
Palani,
Dindigul District.

3.The Shreistadar,
District Munsif Court,
Palani, Dindigul District



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G.K.ILANTHIRAIYAN, J.

CM

Order made in
W.P.(MD)No.12850 of 2024

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