



W.P.(MD)No.1604 of 2024

WEB COPY **BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**W.A.(MD)No.1604 of 2024
and
C.M.P(MD)No.12497 of 2024**

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

2.The Sub Registrar, Joint-I,
Sub Registrar's Office,
Integrated Complex,
Vandikkaran Street,
Ramanathapuram District – 633 501

... Appellants/Respondents

vs.

M/s.Indian Chillies Products Company
Private Limited,
Rep. By its Director Mr.J.Sundar,
33, M.C.Chidambara Nadar Street,
Virudhunagar

... Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent challenging



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WEB COPY the order dated 23.07.2024 made in W.P.(MD)No.12550 of 2024.

For Appellants : Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.P.Subbaraj
Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

The appeal is at the instance of the State challenging the directions issued by the writ court in W.P(MD)No.12550 of 2023 dated 23.07.2024 requiring the Sub Registrar to file sale certificate issued by the bank under Section 89(4) of the Registration Act. This issue is no longer *res integra*. The Hon'ble Supreme Court in *the Inspector General of Registration and another vs. G.Madhurambal and another* has upheld the view of the Division Bench of this court that a sale certificate is not required to be mandatorily registered and it is enough if it is filed under Section 89(4) of the Registration Act. In doing so, the Hon'ble Supreme Court had observed as follows:

“..as per Section 89 of the Registration Act and order of this Court in M.A.No.19262 of 2021 in SLP(C) No.29752 of 2019 dated 29.10.2021 opining that once a direction is issued for the



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duly validated certificate to be issued to the auction purchaser with a copy forwarded to the registering authorities to be filed in Book I as per Section 89 of the Registration Act, it has the same effect as registration and obviates the requirement of any further action.

2.It is time that the authorities stop filing unnecessary special leave petitions only with the objective of attaining some kind of a final dismissal from this Court every time. Costs this time has been spared but will not be spared the next time”.

2.In view of the categorical pronouncement of the Hon'ble Supreme Court as above, we are unable to fault the order of the learned single Judge for having directed filing of the sale certificate under Section 89(4) of the Registration Act.

3. In fine, the Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (S.M., J.)
24.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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