



W.A(MD)No.2078 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.A(MD)No.2078 of 2023

and

C.M.P(MD)No.16767 of 2023

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2.The Sub-Registrar,
Melur(West) Sub Registrar Office,
Melur, Madurai District.

... Appellant/Respondents 1 and 2

-vs-

1.M/s.Tripower Properties Limited,
Rep. by its Director,
No.2/569, Sandy Nook,
Singaravelar 1st Main Road,
Chinna Neelangarai,
Chennai - 600 115

... 1st Respondent/Writ Petitioner

2.The Secretary cum Co-ordinator,
Administrator Committee of
Disc Assets Lead (India) Ltd.,
119, Canal Bank Road,
CIT Nagar, Chennai - 600035. ... 2nd Respondent/3rd Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order
passed in W.P(MD)No.24736 of 2023, dated 19.10.2023.

For Appellant : Mr.P.S.Raman,
Advocate General, assisted by



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Mr.Veera Kathiravan
Additional Advocate General,
assisted by
Mr.P.Subbaraj,
Special Government Pleader

For R-1 : Mr.V.Raghavachari,
Senior Counsel for
Mr.P.Krishnan,

For R-2 : Mr.K.C.Mariyarasu

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The issue raised in this writ appeal is squarely covered by the judgment of the Hon'ble Supreme Court in ***Inspector General of Registration and another vs. G.Madhurambal and another [S.L.P(C)No.16940 of 2022, dated 11.11.2022]***.

2. The sale in this case was done by an Administrator appointed by this Court and a Division Bench of this Court has also confirmed the sale. Pursuant to which, a sale certificate had been issued. When the sale certificate sought to be filed under Section 89(2) of the Registration Act, 1908, the same was rejected. The second appellant Sub-Registrar, Melur Sub Registrar Office, Melur, demanded a fee of 11% as per G.O.28, Commercial cum Registration Department (J-2) dated 23.03.2023. Operation of the said Government Order has been stayed by us. The sale



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was confirmed before the said Government Order.

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3. The learned Advocate General would contend that the term Revenue Officer appearing in Section 89 of the Registration Act, will not include a Recovery Officer of a bank appointed under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

4. The said question does not arise for consideration in this case. Inasmuch as the sale conducted by the Court appointed Officer and the sale has been confirmed, Section 89(2) of the Act automatically applies and the sale certificate will have to be filed by the Sub-Registrar as and when the same is forwarded by the Officer who had issued the sale certificate.

5. Hence, we do not find any merit in this writ appeal. This writ appeal is dismissed. We make it clear that we have not decided the status of a Recovery Officer of a Bank for the purposes of this case. The sale certificate shall be filed and returned within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.M., J.]

[L.V.G., J.]

28.08.2024

NCC :Yes/No

Index :Yes/No



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Internet: Yes

PM

Note: Upload the order copy by 30.08.2024

To:

- 1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
- 2.The Sub-Registrar,
Melur(West) Sub Registrar Office,
Melur, Madurai District.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

pm

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