



Writ Petition No.1138 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.1138 of 2025

and

W.M.P.No.1377 of 2025

S.Jannath Ali
D/o. Saiyath, No 12/64, Lebbal Street,
Pudupet, Anna Road, Chennai 600 002

Petitioner(s)

Vs

1. The Inspector General Of Registration
No 100, Santhome High Road, Chennai

2.The Sub Registrar
Triplicane, Bharathi Salai, Royapettah
Chennai 600 005

3.Union Bank Of India
Rep By Authorized Officer / Chief Manager,
Asset Recovery Branch, No 9, Elcanso
Building, Casa Major Road, Egmore,
Chennai 600 008

4.Chief Executive Officer
Tamil Nadu Wakf Board, No 1, Jaffer Syrang
Street, Vallal Seethakathi Nagar,
Chennai 600 001

Respondent(s)



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records on the file of the 2nd respondent pertaining to the Impugned Letter No 3/2024 dated 9.01.2024 and quash the same as highly illegal and further for a direction, directing the 2nd Respondent to register the Sale Certificate dated 27.12.2023 issued by the 3rd respondent in favour of the petitioner under the SARFAESI Act, 2002 on its presentation by the 3rd Respondent along with the Title Documents without insisting for a No Objection certificate from the 4th respondent pertaining to the property bearing Door No 9, Old Door No 222/223, previous Door No 21 and 22, Pycrofts Road, Chennai 600 014, comprised in T.S. No 1133/17 Block No.25, Previous R.S.No.1133, O.S.No.819 in view of the petitioner's representation dated 08.01.2024 in accordance with law.

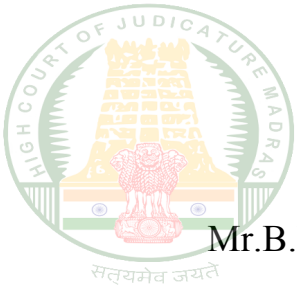
For Petitioner : Mr.J.Ashok

For Respondents : Mr.B.Vijay
Additional Government Pleader
[R1 & R2]
Mrs.Ananda Gomathy [R3]
Mr.Avinash Watwani,
Standing Counsel [R4]

ORDER

This writ petition has been filed challenging the impugned letter of the second respondent dated 09.01.2024 and for a consequential direction to the second respondent to register the sale certificate dated 27.12.2022 issued by the third respondent in favour of the petitioner.

2. Heard Mr.J.Ashok, learned counsel for petitioner,

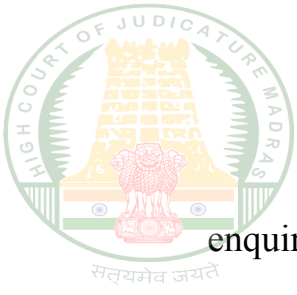


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Mr.B.Vijay, learned Additional Government Pleader appearing for respondents 1 and 2, Mrs.Ananda Gomathy, learned counsel appearing for third respondent and Mr.Avinash Watwani, learned Standing Counsel appearing for fourth respondent.

3. The third respondent bank had brought the subject property for sale pursuant to the proceedings initiated under the SARFAESI Act. The sale certificate was issued in the name of the petitioner dated 27.12.2023. When the same was presented for registration, the impugned letter dated 09.01.2024 came to be issued by the second respondent stating that the registration of the document cannot be entertained unless no objection certificate is given by the fourth respondent. Aggrieved by the same, the present writ petition came to be filed before this Court.

4. In the considered view of this Court, the grievance expressed by the petitioner can be dealt with in line with the guidelines issued by the Division Bench of this Court in ***Sudha Ravi Kumar v. The Special Commissioner [2017 (3) CTC 135]***. Paragraph No.25 deals with the guidelines that were given to registering authority to conduct a summary



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enquiry and take a decision.

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5. In view of the above, there shall be a direction to the second respondent to conduct a summary enquiry by giving opportunity to the petitioner and the fourth respondent and take a decision with respect to the registration of the sale certificate dated 27.12.2023 within a period of four (4) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To



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N.ANAND VENKATESH, J
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