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W.P.No.2611 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2611 of 2025

Shriram Housing Finance Limited,
Represented by its Authorised Officer,
Mr.M.P.Janakiraman(M/39) S/o.T.Palraj,
Having its Registered Office at
Srinivasa Towers, 1st Floor,
Door No.5, Old No.11, 2nd Lane,
Cenataph Road, Alwarpet,
Teyanampet, Chennai - 600 018.

... Petitioner

Vs.

The Sub-Registrar,
Kodumudi SRO,
Kodumudi - 638151
Erode District.

...Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records relating to the impugned refusal check slip bearing No.RFL/Kodumdi/90/2024 dated 10.12.2024 passed by the respondent and quash the same and consequently direct the respondent to register the Sale Certificate dated 11.11.2024 executed by the petitioner in favour of the auction purchaser, Mr.Karthick G, S/o.Mr.Gopal, in respect of 25 1/2 cents of land along with the building standing thereon at S.F.No.757/5 (Old S.F.No.412/B, C), Kolanalli Village, Erode Taluk, Erode District.

For Petitioner

: Mr.B.Ramachandran



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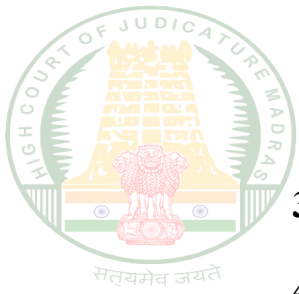
For Respondent : Mr.B.Vijay,
Additional Government Pleader

ORDER

The petitioner has filed the above Writ Petition challenging the refusal check slip issued by the respondent for the sale certificate dated 11.11.2024 that has been presented for registration.

2. The short facts are as follows:-

The petitioner herein, a Housing Finance Limited company, had granted a loan to one Parimala Devi and secured the loan through an equitable mortgage of a residential property situated at S.F. No. 757/5 (Old S.F. No. 412/B, C) in Kolanalli Village, Erode Taluk, Erode District. The borrower defaulted on the loan repayment, and the account was classified as a Non-Performing Asset (NPA). Thereafter, following the procedure under the SARFAESI Act, the property was put up for e-auction on 18.10.2024. The property was sold to one Karthick for a sum of Rs. 18,20,000/-, and a sale certificate was issued on 11.11.2024. However, the registration of the sale certificate was refused on the grounds that the petitioner was not authorized to conduct the sale under the SARFAESI Act. Challenging this refusal, the petitioner has approached this Court.



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3. Heard the learned counsels on either side.

4. The petitioner is a recognized financial institution as contemplated under the SARFAESI Act, as per the notification issued by the Ministry of Finance on 18.12.2015. Therefore, the respondent's refusal to register the sale certificate is without any basis. .

5. Accordingly, the Writ Petition is allowed, and the respondent is directed to register and file the sale certificate within a period of two weeks from the date of its re-submission by the petitioner. No costs.

30.01.2025

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Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To :

The Sub-Registrar,
Kodumudi SRO,
Kodumudi - 638151
Erode District.

P.T. ASHA. J.,



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