



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.5430 of 2025

Jan Small Finance Bank Ltd.,
Door No.36, Ground & First Floor,
South West Boag Road, T.Nagar,
Chennai 600 017.

Rep. by its authorized signatory

... Petitioner

Vs.

1.The Sub Registrar,
Thiruvottiyur Sub Registration Office,
21/8, Market Street, Kaladipet,
Thiruvottiyur, Chennai 600 019.

2.Mr.Sowdha Laser

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order Refusal Check Slip bearing Refusal Number RFL/Thiruvottiyur/1/2025 dated 09.01.2025 on the file of the 1st respondent herein and quash the same and consequently direct the 1st respondent to Register the Sale Certificate dated 20.12.2024 issued by the petitioner to and in favour of the 2nd respondent.



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For Petitioner : Mr.D.Pradeep Kumar

For Respondents : Mr.U.Baranidharan
Special Government Pleader for R1

ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 1st respondent dated 09.01.2025 and for a consequential direction to the 1st respondent to register the Sale Certificate dated 20.12.2024.

2.Heard Mr.D.Pradeep Kumar, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of the 1st respondent.

3.The case of the petitioner is that a home loan was availed by the borrower and mortgage by deposit of title deed was executed on 14.07.2020 which was registered as Document No.3060 of 2020. Subsequently, there was default in the repayment of loan and hence, the loan account was classified as a NPA and proceedings were initiated under the SARFAESI Act. Ultimately, the mortgaged property was brought for auction sale and it was sold in favour of the 2nd respondent. A Sale Certificate dated 20.12.2024 was also executed in favour of the 2nd respondent. When the Sale Certificate was presented for registration before the 1st respondent, the 1st respondent refused to register



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the Sale Certificate by issuing the impugned refusal Check Slip stating that there is an attachment order passed in Attachment No.23 of 2023, dated 07.04.2023 in an arbitration case. Aggrieved by the same, the present writ petition has been filed before this Court.

4.In the considered view of this Court, the mere order of attachment passed in an arbitration proceedings, cannot stand in the way of entertaining the Sale Certificate that was presented by the petitioner in favour of the 2nd respondent. The petitioner was not a party to the arbitration proceedings and there is a valid mortgage executed in favour of the petitioner by deposit of title deeds. The law on this issue is now too well settled. It will be more relevant to rely upon the judgment of the Division Bench in ***Tamil Nadu Mercantile Bank Limited, Madurai 625 009 Rep. by the Chief Manager/Authorized Officer Mr.P.Ramesh vs. The Joint I Sub registrar, O/o. the Joint I Sub Registrar, Madurai South, Madurai and others*** reported in ***2021 2 LW 622***.

5.In the light of the above discussion, the impugned refusal Check Slip issued by the 1st respondent dated 09.01.2025, is hereby quashed. There shall be a direction to the 1st respondent to entertain the Sale Certificate dated 20.12.2024 and register the same, if it is otherwise in order.



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N. ANAND VENKATESH, J.

ssr

6.In the result, this writ petition stands allowed with the above directions. No

Costs.

20.02.2025

Internet : Yes

Index : Yes

Speaking Order / Non Speaking Order

ssr

To

The Sub Registrar,
Thiruvottiyur Sub Registration Office,
21/8, Market Street, Kaladipet,
Thiruvottiyur, Chennai 600 019.

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