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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 14458 of 2025

Jana Small Finance Bank Ltd

Petitioner(s)

Vs

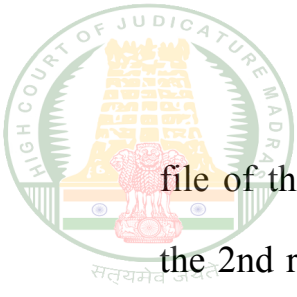
1. The Inspector General of Registration
No.100, Santhome Highway,
Chennai - 60002

2.Sub Registrar
Annavaasal Sub Registration Office,
Annavaasal,
Pudukkottai District - 622 101.

3.S. David Arockiasamy

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, Order or Direction in the nature of a writ calling for the records relating to the impugned order Refusal Check Slip bearing Refusal Number: RFL/Annavaasal/4/2025 dated 13.01.2025 on the



file of the 2nd respondent herein and quash the same and consequently direct the 2nd respondent to Register the Sale Certificate dated 10.01.2025 issued by the petitioner to and in favour of the 3rd respondent.

For Petitioner(s): Mr.T.Dhanayakumar

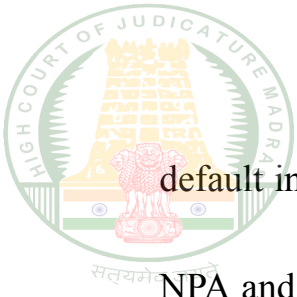
For Respondent(s): Mr.U.Baranidharan
Special Government Pleader
for R1 and R2

ORDER

This writ petition has been filed challenging the refusal Check Slip issued by the 2nd respondent dated 13.01.2025 and for a consequential direction to the 2nd respondent to register the Sale Certificate dated 10.01.2025.

2.Heard Mr.T.Dhanayakumar, learned counsel appearing on behalf of the petitioner and Mr.U.Baranidharan, learned Special Government Pleader appearing on behalf of the 1st and 2nd respondents.

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 15.03.2021 which was registered as Document No.577 of 2021. Subsequently, there was



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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 3rd respondent. A Sale Certificate dated 10.01.2025 was also executed in favour of the 3rd respondent. When the Sale Certificate was presented for registration before the 2nd respondent, the 2nd respondent refused to register the Sale Certificate by issuing the impugned refusal Check Slip stating that there is an attachment order passed in Attachment No.6 of 2022 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 3rd 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

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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 2nd respondent dated 13.01.2025, is hereby quashed. There shall be a direction to the 2nd respondent to entertain the Sale Certificate dated 10.01.2025 and register the same, if it is otherwise in order.

6.In the result, this writ petition stands allowed with the above directions.

No Costs.

24-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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Chennai - 60002

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N.ANAND VENKATESH J.

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