



WP No.20169 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2025

CORAM

THE HON'BLE MR.MANINDRA MOHAN SHRIVASTAVA,

CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

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Bajaj Housing Finance Ltd.,
Rep. By its Authorised Signatory,
Karthick Charan B,
Having its Regd. Office at
Mumbai Pune road,
Akurdi, Pune 411035.

.. Petitioner

-vs-

1. The Sub Registrar,
Avadi,
43FH+46Q, Anna Nagar Main Rd.,
Modern city, Deena Dayalan Nagar,
Pattabiram, Tamil Nadu 600054.
2. Shriram Finance Limited,
formerly known as Shriram Transport
Finance Company Ltd.,
Regd. Office: Sri Towers, Plot No.14A,
South Phase, Industrial Estate,
Guindy, Chennai 600032, Tamil Nadu, India.

3. P.Vinodha
4. S.Bharanidharan

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to delete the entry of Encumbrance of the property and to register the Sale Certificate dated 04.06.2024 executed by the petitioner in favour of the 3rd and 4th respondents.

For Petitioner : Mr.M.Arunachalam
for Mr.P.Veeramalai

For Respondents : Mr.K.Karthik Jagannath
Govt. Advocate for R-1
: No appearance for RR 2 to 4

* * * * *

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The prayer made in this petition is for issuance of writ of mandamus directing the first respondent to register the sale certificate presented by the petitioner along with 3rd and 4th respondents (auction purchasers).

2. Learned counsel for the petitioner would submit that the borrower, one Vijayakumar, while taking loan from the petitioner, had mortgaged certain immovable properties as security towards repayment of loan. On account of failure, the petitioner proceeded to



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take remedy under the SARFAESI Act, by issuing notice under Section 13(2) followed by measures under Section 13(4), which culminated in the sale of mortgaged property in favour of successful auction purchasers/respondents 3 and 4. Thereafter, the petitioner along with 3rd and 4th respondents presented an application for registration of sale certificate issued in favour of 3rd and 4th respondents by the authorised officer of the petitioner. However, the application has remained pending without any decision till date, presumably on the ground that the second respondent, who also claims to be the lender of money by way of loan to the same borrower, namely, Vijayakumar, initiated separate proceedings, wherein prohibitory order has been passed in respect of the subject property, in arbitral proceedings.

3. It is submitted that irrespective of any dispute, once a sale certificate has been issued, which has not been set aside or declared illegal or inoperative by any Court of competent jurisdiction, application for registration of the sale certificate could not be rejected/kept pending on the ground that the property is under dispute. He would submit that the grounds for refusal to register could be only on those mentioned under the provisions of the Registration Act and not otherwise.



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3.1. The other limb of prayer is that appropriate direction be issued for release of the property, against which a prohibitory order has been passed.

4. We have gone through the pleadings and the orders, which have been passed, as also the sale certificate, which was issued in favour of the auction purchasers by the authorised officer of the petitioner.

5. Respondents 2, 3 and 4, despite service of notice, have preferred not to represent their case before the Court. Apparently, as far as respondents 3 and 4 are concerned, they have common interest with the petitioner. As far as respondent No.2 is concerned, despite service of notice, it is not represented through any counsel nor is present in person.

5.1. Though Sri.Karthik Jagannath appears on behalf of respondent No.1, no counter-affidavit has been filed. He prays for some more time. Taking into consideration the nature of dispute, we



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are not inclined to grant further time.

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6. Once an application for registration of a document is submitted, the Sub-Registrar cannot refuse to register the document except on those grounds which are provided under the provisions of the Registration Act itself. It cannot be a ground for refusal to register that the property is under dispute. Admittedly, there is no judicial order or an order passed by any competent Tribunal injuncting the Registrar to register the document.

6.1. Therefore, we are of the view that the application for registration, which has been presented, is to be scrutinised in terms of the provisions contained in the Registration Act and subject to fulfillment of all the conditions incorporated under the law applicable, that is, Registration Act, the Sub-Registrar has to proceed to register the document.

7. As far as the prayer for release of the disputed property as against the prohibitory order is concerned, without commenting upon the merits of the claim, we are of the view that the same cannot be gone into in this petition. We leave it open to the petitioner to work



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out such remedy as may be available to it under law, if it is aggrieved, by any prohibitory order, which has been passed by any Tribunal or any adjudicatory body.

8. We hasten to make it clear that direction to consider application for registration shall not be taken as claim for registration without fulfilling other terms and conditions, subject to which registration could be ordered under the provisions of the Registration Act, one of which includes that the document should be properly stamped.

Petition is, accordingly, allowed in the manner as stated above.
There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ.) (G.ARUL MURUGAN, J.)
12.11.2025

Index : Yes/No
Neutral Citation : Yes/No

sra



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To

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