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W.P.Nos.38858, 38859, 38860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2025

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.Nos.38858, 38859, 38860 of 2024

M/s.Sri Shivam Enterprises,
Represented by its Partner,
Mohamed Zakeer Husain,
Having office at,
No.184/1, 4th Cross Street,
Thiruppur Kumaran Nagar,
Near Wiseman School,
Mudaliarpet, Pondicherry – 605 004.

...Petitioner in all WPs

Vs.

1.The Inspector General of Registration Cum Revenue Secretary,
Department of Registration,
Kamaraj Salai, Sakthi Nagar,
Saram. Puducherry.

2.The Sub Registrar,
Office of the Sub Registrar,
Oulgaret, Pondicherry.

3.Union Bank of India,
Represented by its Authorised Officer,
Stressed Asset Management Branch,
38 & 39, Whites Road,
Royapettah, Chennai – 14.

...Respondents in all WPs



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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd respondent to enter the sales certificates dated 05.06.2024, 11.06.2024 and 30.07.2024 issued by the 3rd respondent in Book No.1 under Section 89(4) of the Registration Act, 1908 based on the letter by the 3rd respondent dated 02.12.2024.

For Petitioner
in all WPs : Mr.S.C.Vishwanth

For Respondents
in all WPs : Mr.M.Nirmal Kumar for R1 & R2
Government Advocate (Pondicherry)

COMMON ORDER

These Writ Petitions are filed to direct the second respondent to register the Sale Certificates dated 05.06.2024, 11.06.2024 and 30.07.2024 issued to the petitioner by the third respondent in Book No.1 under Section 89(4) of the Registration Act, 1908 based on the letter of the third respondent dated 02.12.2024.

Brief facts:-

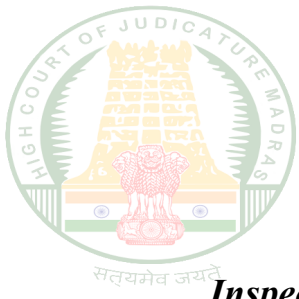
2.The petitioner had participated in the auction conducted by the third respondent Bank and successfully selected in the auction. The Sale



Certificates were also issued by the third respondent in favour of the petitioner. Thereafter, the third respondent had sent a communication to the second respondent to register the entry in the Book about the Sale Certificates which was not done so far. Therefore, the petitioner is before this Court.

3. Heard the learned counsels on either side and perused the materials available on record.

4. In a very recent judgment of the Hon'ble Supreme Court dated 19.11.2024 in ***CA.No.12527 of 2023 - The State of Punjab & Arn. Vs. M/s.Ferrous Alloy Forgings P. Ltd. & Ors***, the Hon'ble Supreme Court had reiterated the judgment of the Hon'ble Supreme Court reported in ***(2021) 11 SCC 537 - M/s.Esjaypee Impex Pvt Ltd. Vs. The Assistant General Manager and Authorised Officer Canara Bank***, wherein it has been stated that the mandate of law that flows from a combined reading of Sections 17(2) (xii) and 89 (4) of the Registration Act respectively is that the auction purchaser is entitled to receive the original sale certificate and a copy of the same is required to be forwarded to the Sub Registrar for the purpose of filing any Book I as per the Registration Act.



5.The Bench after considering the judgment in the case of *The*

Inspector General of Registration and Another Vs. G.Madhurambal and

another reported in **2022 SCC Online SC 2079**, has observed as follows:~

“The position of law discussed above makes it clear that sale certificate issued by the authorised officer is not compulsorily registrable. Mere filing under Section 89(4) of the Registration Act itself is sufficient when a copy of the sale certificate is forwarded by the authorised officer to the registering authority. However, a perusal of Articles 18 and 23 respectively of the first schedule to the Stamp Act respectively makes it clear that when the auction purchaser presents the original sale certificate for registration, it would attract stamp duty in accordance with the said Articles. As long as the sale certificate remains as it is, it is not compulsorily registrable. It is only when the auction purchaser uses the certificate for some other purpose that the requirement of payment of stamp duty, etc. would arise.”



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6.The position of law discussed above makes it clear that the Sale Certificates issued by the Authorized Officer is not compulsory registrable. Mere filing under section 89 (4) of the Registration Act itself is sufficient when a copy of the sale deed is forwarded by the Authorized Officer to the Registering Authorities.

7.Therefore, in the light of the above, the Writ Petitions are allowed. A mandamus is issued to the second respondent to register the Sale Certificates dated 05.06.2024, 11.06.2024 and 30.07.2024, issued to the petitioner by the third respondent in Book No.1 under Section 89(4) of the Registration Act, 1908 based on the letter of the third respondent dated 02.12.2024, within a period of 2 weeks from the date of representation of the Sale Certificates by the petitioner. No costs.

06.01.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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P.T.ASHA, J.

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To

- 1.The Inspector General of Registration Cum Revenue Secretary,
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Kamaraj Salai, Sakthi Nagar,
Saram. Puducherry.
- 2.The Sub Registrar,
Office of the Sub Registrar,
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