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WP No. 46043 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-12-2025

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THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P. No. 46043 of 2025 and W.M.P. No.51372 of 2025

Kovai Medical Centre and Hospital Ltd.,
Represented By Its Authorized Signatory,
Dr.J.Sivakumaran

..Petitioner

Vs

The Zonal Deputy Tahsildar,
Sulur-taluk,
Coimbatore District 641402.

..Respondent

a. Call for the proceeding bearing No. 2025/0103/12/729850, Dt.07.10.2025 issued by the Respondent, and to quash the same as illegal. b. to consequently direct the respondent to mutate the patta in the name of petitioner, in respect of the Survey bearing Nos. 192/3A, 192/3B, 184/1B, 184/1C, 184/1D, 190/1B, 190/2A, 192/2B1, 157/2D, 193/1C, 193/1D, 193/1E, 193/1I, 193/1J, 193/1K, 193/1F, 193/1L, 193/1M, 193/3C in Neelambur Village, Sulur Taluk, Coimbatore District.

For Petitioner: Mr.SHARATH CHANDRAN

For Respondent: Mr. D.RAVICHANDER,SGP

ORDER

This writ petition has been filed, challenging the impugned order dated 07.10.2025 rejecting the petitioner's request to issue patta in favour of the



petitioner pursuant to a Sale Certificate obtained by them through an auction conducted under SARFAESI proceedings.

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2.The respondent has rejected the petitioner's application on the ground that the sale certificate is not a registered document and hence, patta cannot be mutated in favour of the petitioner.

3.Learned counsel for the petitioner drew the attention of this Court to the Division Bench judgment of this Court dated 11.07.2025 rendered in W.A. No.1976 of 2025 in the case of the Tahsildar vs. M/s.Chettinad Academy of Research and Education and would submit that the law is now well settled and there is no necessity for obtaining registration of sale certificate issued under the SARFAESI proceedings for the purpose of mutation of revenue records. According to the learned counsel for the petitioner, arbitrarily, by total non-application of mind to the settled law, the impugned order has been passed by the respondent.

4.Mr.D.Ravichander, learned Special Government Pleader accepts notice on behalf of the respondent.

5.Admittedly, the petitioner is the owner of the property for which mutation of patta in its name is sought for. Only on the ground that the sale



certificate obtained by the petitioner is an un-registered document, the respondent has rejected the petitioner's application seeking for issuance of patta in its name for the subject property. As seen from the decision relied upon by the learned counsel for the petitioner, the Division Bench, while considering a similar issue, has upheld the order of the learned Single Judge allowing the writ petition holding that the Revenue Department could not have made a demand for payment of stamp duty as only the Registration Department was entitled to the same. Learned Single Judge while allowing the said writ petition held that the Tahsildar had gone beyond the permissible scope of enquiry and therefore had directed the revenue authorities to issue patta to the petitioner therein within a period of 4 weeks from the date of receipt of a copy of this order.

6. Since the impugned order is a non-speaking order with regard to the contentions raised by the petitioner in this writ petition and the respondent did not have an opportunity to consider the Division Bench judgment relied upon by the learned counsel for the petitioner, this Court is of the considered view that the impugned order has to be quashed and the matter has to be remanded back to the respondent for fresh consideration, on merits and in accordance with law within a time framed to be fixed by this Court.

7. The petitioner shall submit an explanation to the respondent as to why the sale certificate submitted by the petitioner does not require registration and



ABDUL QUDDHOSE, J.

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payment of stamp duty for the purpose of obtaining mutation of revenue records in the name of the petitioner within a period of 1 week from the date of receipt of a copy of this order. On receipt of the said explanation, the respondent shall pass final orders, on merits and in accordance with law on the petitioner's application seeking for issuance of patta in its name within a period of 12 weeks thereafter. With the aforesaid observation, this writ petition is disposed of. Consequently, connected W.M.P. is closed. No costs.

02-12-2025

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To

The Zonal Deputy Tahsildar,
Sulur-taluk,
Coimbatore District 641402.

W.P. No. 46043 of 2025 and W.M.P. No.51372 of 2025