



W.P(MD)No.4126 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.4126 of 2023

A.M.Mohan

... Petitioner

VS.

1. The District Collector ,

Karur Collectorate, Karur.

2. The District Registrar,

District Registrar Office, Karur.

3. The Sub Registrar,

Velliyanai Registrar Office, Velliyanai, Karur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to refund a sum of Rs. 27,22,802/- to the petitioner, which was collected in excess for the registration of the sale certificate along with interest at the rate of 9 percent per annum from the date of registration on the basis of the petitioners representation dated 15.12.2022.

For Petitioner : Mr. V.Balaji

For Respondents : Mr.D.Sasikumar
Additional Government Pleader



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorari to direct the respondents to refund a sum of Rs.27,22,802/- to the petitioner, which was collected in excess for the registration of the sale certificate, along with interest at the rate of 9% per annum from the date of registration, based on the petitioner's representation dated 15.12.2022.

2. According to the petitioner, he purchased the said property in an e-auction conducted by Union Bank of India under the SARFAESI Act. As per the sale, the petitioner is liable to pay only 4% stamp duty and 1% registration charges, totalling 5%. However, the respondents collected 9% stamp duty and 2% registration charges.

3. The learned Additional Government Pleader appearing for the respondents vehemently objected to granting the refund, contending that there is no provision for refund under the Registration Act.

4. This Court not accept the said contention, since if any excess amount is collected, the respondents are bound to refund the same.



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5. The next contention of the respondents is that a sale conducted under the SARFAESI Act cannot be considered a Court auction sale. However, the said issue has been settled by various judgments. The Authorised Officer conducting the e-auction or auction sale under the SARFAESI Act ought to be considered as conducting a Court sale. Therefore, the sale will be treated as a Court auction sale. Hence, the said objection is rejected. The petitioner is entitled to the refund.

6. Accordingly, the respondents are directed to calculate the excess amount collected and refund the same to the petitioner, in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above observations, this Writ Petition is disposed of.
There shall be no order as to costs.

08.08.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes

KSA



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S.SRIMATHY, J.

Ksa

**ORDER MADE IN
W.P(MD)No.4126 of 2023**

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