

W.P.(MD)No.5507 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD)No.5507 of 2025

S.Kamaraj

... Petitioner

vs.

1.The Inspector General of Registration,
Santhome High Road,
Santhome, Chennai.

2.The Sub-Registrar,
Sub-Registrar Office,
Velayuthampalayam,
Karur District.

3.A/M.Balasubramania Swamy Kovil,
rep., by its Executive Officer,
Pugalaimalai, Velayuthampalayam,
Pugalur Taluk, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the second respondent in RFL/Velayuthampalayam/8/2025 dated 20.01.2025 and quash the same as illegal and consequently direct the second respondent herein to register and record the Sale Certificate dated 01.08.2024 forthwith.



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For Petitioner : Mr.S.I.Muthiah
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate (for R1 & R2)
Mr.M.Saravanan (for R3)

ORDER

The petitioner is a Court auction purchaser. The property situated at Punjai Pagalur Municipality, Karur Taluk and District, in Plot No.1 comprised in S.No.344, was the subject matter of attachment in O.S.No. 896 of 2019 on the file of the Additional Subordinate Judge(FAC), Karur. Subsequently, the property was brought for sale in Court auction. The Court auction was initiated pursuant to the order of the Additional Subordinate Judge, Karur, in E.P.No.20 of 2022. The property was sold on 29.11.2023.

2. Pursuant to the sale, a Sale Certificate was issued by the Additional Subordinate Judge, Karur. A copy of the Sale Certificate was forwarded by the learned Judge to the second respondent. This was in his proceedings in D.No.2184 of 2024, dated 27.08.2024.

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3. On receipt of the Sale Certificate, the second respondent refused to register the same on the ground that objection had been given by the Executive Officer of Arulmighu Subramania Swamy Thirukovil, Pugalur, Karur District. Hence, this writ petition.

4. I heard Mr.S.I.Muthiah for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate, who takes notice for R1 and R2 and Mr.M.Saravanan for R3.

5. A perusal of the impugned order shows that the ground for rejection is “there is an objection that the property belongs to the third respondent”. Hence, the Sub-Registrar seems to have invoked Section 22A(1)(ii) of the Registration Act, 1908 (hereinafter referred to as 'Act' for brevity). Section 22A(1)(ii) of the Act would apply only for the instrument relating to the transfer of immovable properties by way of sale, gift, mortgage, exchange or lease. If an instrument falls outside the page of Section 22A(1)(ii) of the Act, then it cannot be treated as attracting of said provision. The provision for filing the Sale Certificate is not similar to registration of instrument of transfer.



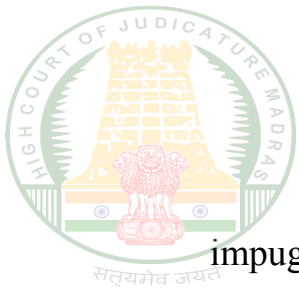
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6. Registration of Court auction sale certificates falls under Part-XV of the Act. Section 89(2) of the Act mandates that the Court granting a certificate of sale of immovable property under the Code of Civil Procedure, 1908 (5 of 1908), shall send a copy of such certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property, comprised in such certificate is situated. On being received by the registering authority, he shall file the same in Book No.1, which is maintained by him.

7. By the very nature of things, filing of document pursuant to the order of the Court, cannot be treated as akin to presentation of a document of transfer by consenting individuals. Section 22A(1) of the Act is not wide enough to cover situation, to which, Section 89 of the Act applies. Therefore, the impugned order cannot be sustained.

8. The second respondent has misapplied Section 22A(1) of the Act and has come to a conclusion that it would apply even for filing procedure as contemplated under Section 89 of the Act. Hence, the



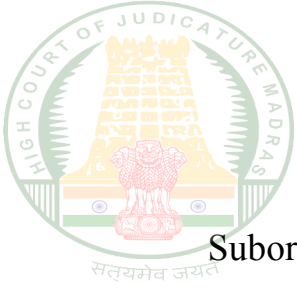
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impugned order has to be interfered with. Accordingly, the same is set aside.

9. At this stage Mr.M.Saravanan points out that the claim of the third respondent that it is a temple property has to be taken into consideration by this Court. The position, when the document of transfer of immovable property such as those covered under Section 22(A)(1)(ii) of the Act is presented, is settled by a judgment of a Division Bench of this Court in ***Sudha Ravikumar and another Vs The Special Commissioner and Commissioner and others, 2017 4 MLJ 445.***

10. If the writ petitioner presents a document, which is covered any of the instruments contemplated under Section 22A(1) of the Act, the Sub Registrar shall necessarily follow the judgment of the Division Bench referred to above. As of now, it is only a filing procedure that is being adopted and therefore, no prejudice is caused to the third respondent.

11. In result, this Writ Petition is allowed. The second respondent shall file the Sale Certificate issued by the learned Additional



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Subordinate Judge, Karur, within two weeks from today (i.e., 03.03.2025). No costs.

Index :Yes / No
NCC :Yes / No
Rmk

03.03.2025

To
1.The District Registrar (Administration),
Trichy District.

2.The Sub Registrar,
Tiruverumbur Sub Registrar's Office,
Tiruverumbur, Trichy District.



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V. LAKSHMINARAYANAN, J.

Rmk

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