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W.P.(MD)NO.25972 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.25972 of 2025

J.Sithick Jalaludeen

... Petitioner

Vs.

The Sub Registrar,
Kalaiyarkovil,
Sivagangai District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned refusal check slip issued by the respondent in Refusal No.RFL/Kalaiyarkovil/86/2025 dated 15.09.2025 and quash the same as illegal, consequently direct the respondent to register the sale deed dated 13.09.2025 presented by the petitioner for registration on 15.09.2025 within a time frame.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.D.Gandhiraj,
Special Government Pleader.

* * *



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ORDER

Heard both sides.

2. The writ petitioner executed sale deed dated 13.09.2025 in favour of one Muthukumar conveying the petition-mentioned property. The said property forms part of a larger extent covered by the sale certificate dated 25.09.2024 issued by the authorised officer, Indian Overseas Bank, Karaikudi Branch. When the said sale certificate was presented for registration, the respondent herein declined to accept the same for registration on the ground that the value set out in the sale certificate does not reflect the true market value. Challenging the order passed by the registering authority, the petitioner filed W.P.(MD)No.30030 of 2024. The writ petition was allowed by this Court vide order dated 07.02.2025 in the following terms:-

“6. In terms of Rule 8(5) r/w 9 of the SARFAESI Rules, the Authorised Officer is called upon to obtain valuation of the property from an approved valuer and only thereafter, he is entitled to get the property for sale. Therefore, there is no



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question of re-looking at the valuation that has already been fixed by the competent authority exercising the power conferred on him under parliamentary legislation.

7. Apart from this, a Division Bench of this Court in ***Vijayalakshmi Marketing Vs. State of Tamil Nadu*** reported in ***(2024)4 MLJ 754*** has held that Section 47A of the Indian Stamp Act cannot be invoked in matters relating to public auction. The Division Bench categorically held that where a sale is held by public auction carried out through the process which is transparent, Section 47A of the Act is inapplicable. The Division Bench has followed the earlier judgment of the Supreme Court in the case of ***V.N.Devadass Vs. Chief Revenue Control Office-cum-Inspector and others*** reported in ***(2009)7 SCC 438***.

8. As the law has already been declared, I am not in a position to sustain the impugned order. Hence, the writ petition is allowed and the impugned order passed by the second respondent, dated 02.12.2024, is set aside.”

3. When the document was presented for registration, the registering authority citing the earlier audit objection, declined to



register the document. The issue regarding valuation has already concluded. It is not open to the respondent to once again reiterate the same. In this view of the matter, the order impugned in the writ petition is quashed. The petitioner is permitted to re-present the document and it shall be registered and released subject to fulfilment of the other usual formalities. This writ petition stands allowed. No costs.

23.09.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

The Sub Registrar,
Kalaiyarkovil,
Sivagangai District.



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G.R.SWAMINATHAN,J.

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