BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29-10-2025**

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN

WP(MD) NO. 30428 of 2025

1. G.Muniyasamy
Son of Gopal
12/338
Pallivasal Street
Paramakudi Town
Paramakudi Taluk
Ramanathapuram District.

Petitioner(s)

Vs

1. The District Registrar
O/o The District Registrar

Sivagangai.
2. The Sub Register
Ilayangudi

Sivagangai.

Respondent(s)

For Petitioner(s):
Mrs.Annie Infanta J
For Respondent(s): Mr.D.Gandhiraj
Special Government Pleader

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order passed by the 2nd respondent in Na.Ka.No.179/2025 dated 19.09.2025 and quash the same as illegal and further direct the 1st and 2nd Respondents to refund the sum of Rs.90,500/- collected from the petitioner along with interest at such rate as this court.

ORDER

Heard both sides.

2. The writ petitioner purchased the petition mentioned property in a court auction sale. On 04.01.2025, the Sub Judge, Manamadurai issued the sale certificate under Order 21 Rule 94 of C.P.C to the writ petitioner. On the same day, the Sub Judge, Manamadurai forwarded the sale certificate to the Sub Registrar, Ilayangudi through post. The specific stand of the writ petitioner is that the sale certificate was kept pending and it was not filed in Book No.1. Instead of pursuing the matter appropriately, the writ petitioner committed the mistake of sending the representation to the registering authority to register the sale certificate. He did not stop with that. On 01.09.2025, the petitioner presented the sale certificate dated 04.01.2025 before the Sub Registrar, Ilayangudi for registration. The registering authority called upon the petitioner to pay the stamp duty as well as the registration charges and also the delay charges (5% stamp duty, 2% registration charges and 2% delay charges). Left with no other option, the petitioner remitted the same and the document was registered as Document No.1842 of 2025). The petitioner subsequently sought refund of the same. The request was rejected vide communication dated 19.09.2025. Questioning the same, this writ petition has been filed.

3. It is true that when the sale certificate is filed, the question of paying the stamp duty does not arise. But then, the sale certificate should be despatched directly by the Court or the revenue officer or the authorised officer concerned. But if the same is presented by the purchaser, then it cannot be filed. It can only be registered. In that event, the registration

charges as well as the stamp duty have to be paid. In this case, it was the writ p[illegible] who sought registration of the sale certificate and he had also personally presented the same. Since the document was not presented within four months, as per Section 25 of the Registration Act, the delay charges also had to be paid. Therefore, the collection of the stamp duty, registration charges and delay charges for registering the sale certificate dated 04.01.2025 cannot be faulted. When the payment was rightly done, the question of refunding the same does not arise at all. The impugned communication is well founded. It does not warrant interference.

4. The matter cannot rest there. The specific stand of the writ petitioner is that on 04.01.2025, the Sub Court, Manamadurai had forwarded the original sale certificate dated 04.01.2025 directly to the registering authority through post. Under Section 89(2) of the Registration Act, the registering authority is obliged to file the same in Book No.1. Section 89(2) of the Act reads as follows:-

> "(2) Every 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 situate, and such officer shall file the copy in his Book No. 1."

5. The expression employed in the above provision is "shall". In other words, once the sale certificate is received from the Court concerned, the registering authority shall file the same in Book No.1. A statutory duty is cast on him. The second respondent is therefore directed to file an affidavit before this Court clarifying the following aspects:-

A. when the sale certificate dated 04.01.2025 was received from the Sub Court, Manamadurai.

B. The reason for not discharging the statutory duty cast on him under Section 89(2) of the Act.

6. 'For reporting compliance', call this case on 03.11.2025.

29-10-2025

rmi

NOTE:Issue Order Copy on 30.10.2025

To

1. The District Registrar
O/o The District Registrar
Sivagangai.

2. The Sub Register
Ilayangudi
Sivagangai.