



WEB COPY

WP No. 13838 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

WP No. 13838 of 2026

1. Mrs.Dhilshad Begum Kasim
W/o Sadia Mohamed, Residing at
No.14, Pataelsha Street, BP Agraharam,
Erode, Tamilnadu 638 005

Petitioner(s)

Vs

1. The sub-Registrar
office of the Sub-Registrar office,
Karumathampatti, Coimbatore District.

Respondent(s)

PRAYER

Calling for the records from the Respondents refusal number RFL/Karumathampatti/3.2026 dated 18.02.2026 refusing to register the sale certificate issued to the petitioner by the secured creditor and quash the same, consequently to direct the respondent to register the sale certificate issued to the petitioner by the secured creditor on accepting 5 percentage of the stamp duty and 1 percentage of the registration fee on the value of the sale certificate.

For Petitioner(s): Mr.P.Saravanan

For Respondent(s): Mr.P.Harish Govt.Advocate For
Respondent

ORDER

This writ petition has been filed, challenging the impugned refusal check slip dated 18.02.2026 issued by the respondent, refusing to register the sale certificate presented by the petitioner for registration on the ground that the sale



certificate is treated as a conveyance under the Stamp Act and therefore, the petitioner will have to pay the stamp duty by treating the sale certificate as a document of conveyance.

2. The petitioner categorically contends before this Court that there is no necessity for the petitioner to pay the stamp duty since it is a sale certificate issued as per the provisions of the SARFAESI Act. The learned counsel for the petitioner also relies upon certain decisions rendered by this Court, which according to the petitioner, makes it clear that the sale certificate cannot be treated as conveyance deed by the Registration Department.

3. As seen from the impugned refusal check slip dated 18.02.2026, the petitioner's contentions as raised in this writ petition along with the petitioner's supporting documents have not been considered by the respondent. The petitioner was also not afforded any opportunity of hearing by the respondent prior to passing of the impugned refusal check slip dated 18.02.2026.

4. Since the impugned refusal check slip dated 18.02.2026 is a non-speaking order and is an order passed in violation of the principles of natural justice, necessarily, the impugned refusal check slip dated 18.02.2026 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.



5. Accordingly, the impugned refusal check slip dated 18.02.2026 issued by the respondent is hereby quashed and the matter is remanded back to the respondent for fresh consideration on merits and in accordance with law. The petitioner shall submit a written explanation to the respondent along with supporting documents, stating as to why there is no legal impediment for the respondent to register the sale certificate presented by the petitioner for registration and as to why there is no necessity for the petitioner to pay the stamp duty as demanded by the respondent under the impugned order within a period of one week from the date of receipt of a copy of this order. On receipt of the same, within the stipulated time, the respondent after giving due consideration to the written explanation submitted by the petitioner and the supporting documents produced by the petitioner, shall take a final decision as to whether the sale certificate can be registered or not within a period of four weeks thereafter.

6. In case, the respondent decides to refuse registration of the sale certificate presented by the petitioner, the respondent shall pass a speaking order, after giving due consideration to the contentions of the petitioner as well as the supporting documents produced by the petitioner.



7. With the aforesaid directions, this writ petition is disposed of. No
Costs.

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To
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ABDUL QUDDHOSE J.

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