



WEB COPY

WP No. 15705 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-04-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

WP No. 15705 of 2026

Grihum Housing Finance Ltd
(Formerly known as poonawalla Housing Finance
Ltd and M/s.Magma housing finance Ltd)
Rep by its authority officer
shakil A

..Petitioner(s)

Vs

The Sub Registrar
Joint-II, Sub Registrar office
Chengalpattu
kancheepuram District
Tamilnadu

..Respondent(s)

calling for the records of the impugned Refusal check slip bearing Refusal Number RFL/2/No Sub Registrar chengalpattu/42/2026 dated 9.4.2026 issued by the respondent and quash the same and further direct the respondent to register the Sale certificate dated 8.4.2026 presented by the petitioner to and in favour of Mrs.Jayabharathy.

For Petitioner(s): Mr.C.Gunasekaran

For Respondent(s): Mr.U.Baranidharan,SGP

Order

This writ petition has been filed, challenging the impugned refusal check slip dated 09.04.2026 issued by the respondent, refusing to register the sale certificate dated 08.04.2026, presented by the petitioner for registration on the



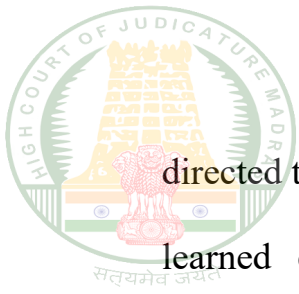
ground that there is a subsequent court attachment obtained by another financial institution over the very same property.

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2.The petitioner has challenged the impugned refusal check slip on the ground of violation of principles of natural justice as well as on the ground that the contentions of the petitioner as raised in this writ petition have not been considered by the respondent while passing the impugned refusal check slip. According to the petitioner, the sale certificate issued as per the provisions of the SARFAESI Act dated 08.04.2026 was presented for registration and the petitioner being a secured creditor, the respondent ought to have registered the said sale certificate and despite there being a court attachment subsequent to the date of the sale certificate, there is no legal impediment for the respondent to register the sale certificate presented by the petitioner for registration.

3.Mr.U.Baranidharan, learned Special Government Pleader accepts notice on behalf of the respondent.

4.Learned counsel for the petitioner relies upon an order dated 16.04.2021 passed by the learned Single Judge of this Court in W.P. No.7897 of 2021 in the case of Canara Bank vs The Sub Registrar and others, involving a similar issue and he would submit that in the said writ petition, the learned Single Judge had

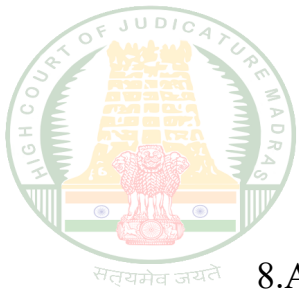


directed the registration department to register the sale certificate. Therefore, the learned counsel for the petitioner would submit that there is no legal impediment for the respondent to register the sale certificate presented by the petitioner for registration.

5.This Court is not expressing any opinion on the merits of the respective contentions.

6.Admittedly, as seen from the impugned refusal check slip, the contentions of the petitioner as raised in this writ petition have not been considered by the respondent. The petitioner was also not afforded any opportunity of hearing by the respondent prior to the issuance of the impugned refusal check slip.

7.Being a non-speaking order with regard to the contentions of the petitioner as raised in this writ petition and being an order passed in violation of the principles of natural justice, this Court is of the considered view that the impugned refusal check slip issued by the respondent 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.



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8. Accordingly, this writ petition is disposed of and the impugned refusal check slip dated 09.04.2026 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 the supporting documents as to why there is no legal impediment for the respondent to register the sale certificate, presented by the petitioner for registration, within a period of one week from the date of receipt of a copy of this order. On receipt of the said written explanation from the petitioner along with the supporting documents within the stipulated time, the respondent shall, after giving due consideration to the written explanation submitted by the petitioner and the supporting documents produced by him, take a final decision as to whether the sale certificate presented by the petitioner can be registered or not, within a period of three weeks thereafter. In case the respondent decides to refuse registration of the sale certificate, presented by the petitioner for registration, the respondent shall pass a speaking order with regard to the written explanation submitted by the petitioner and the supporting documents produced by them. No costs.

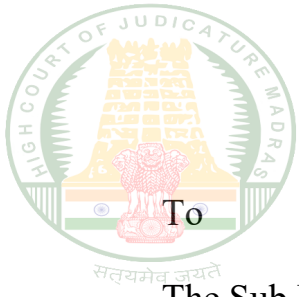
22-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VGA



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To

The Sub Registrar
Joint-II, Sub Registrar office
Chengalpattu
kancheepuram District
Tamilnadu



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ABDUL QUDDHOSE J.

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