



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

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**THE HON'BLE DR JUSTICE G. JAYACHANDRAN
AND
THE HON'BLE MRS.JUSTICE N. MALA**

Writ Appeal No. 1191 of 2026

B.Ashok Kumar

..Appellant

Vs

1. Fedbank Financial Service Limited
Rep. by Iis Authorized Officer
Aravindan Mohan
Kanakia Wall Street, A Wing 5th Floor
Unit No 511, Anderi Kurla Road
Anderi (East), Maharastra,
Mumbai 400 093.
2. Inspector General of Registration
100, Santhome High Road,
Chennai-28.
3. The Sub Registrar
Office of the Sub Registrar,
Purasawalkam,
Chennai-23
4. Albert Prakasam (Given Up)
Proprietor of Joycell,
No. 90/93, Foxen Street,
Perambur, Chennai-11.
4th Respondent is given up vide court order
dated 02.04.2026 in
WA.SR.No.119907/2025
(RSKJ and NSJ) (Recorded)

..Respondents



PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to allow the writ appeal setting aside the order dated 04.02.2025 in W.P.No.10936 of 2024 and consequently allow the WP.

For Appellant: Mr.Anish Gopi
For P.B.Ramanujam Associates
For Respondents: Mr.B.Sivakollapan,
Government Advocate For R2 And R3

JUDGMENT

(Judgment of the Court was delivered by Dr.G.Jayachandran J.)

The appellant herein is the successful auction purchaser in the SARFAESI proceedings, but unfortunately, when the sale certificate was sought to be registered before the Sub-Registrar, Purasawalkam, the Sub-Registrar found that on the date of issuance of the sale certificate, the property, which was earlier mortgaged with the vendor of the writ petitioner, had already been redeemed and the redemption had been recorded. Hence, the Sub-Registrar refused to register the sale certificate, which has led to the filing of the writ petition with the following prayer:-

“Writ petition under Article 226 of the Constitution of India praying to the issuance of a Writ of Certiorarified Mandamus, to call for the records and quash the discharge receipt dated 21.03.2024 which is registered as Doc.No.1526 of 2024 before the 2nd respondent and consequently to direct the 2nd respondent to register the sale certificate of the 2nd petitioner (Prayer amended as per order dated 09.02.2024 in WMP.No.40460/2024 in WP.No.10936/2024 by PTAJ)”



2. The learned Single Judge, having considered the merits of the writ petitioner's plea and having noticed that the vendor of the writ petitioner had no title to sell the property after the issuance of the certificate of redemption, had given liberty to the writ petitioner to challenge the discharge receipt dated 21.03.2024 before the appropriate forum in the manner known to law. Not satisfied with the said liberty, the present Intra-Court appeal has been filed.

3. The learned counsel appearing for the appellant, relying upon the judgment of the Hon'ble Supreme Court in *Celir LLP Vs. Bafna Motors (Mumbai) Private Limited and others* reported in (2024) 2 Supreme Court Cases 1, submitted that the right of redemption of a mortgage is available to the borrower only till proceedings under SARFAESI Act are initiated. He contended that once the proceedings under SARFAESI are initiated, the right of redemption stands extinguished. In this case, on facts, the SARFAESI proceedings were initiated before the date of discharge receipt and therefore, the discharge receipt dated 21.03.2024 is non-est in law.

4. We have given anxious consideration to the above submissions. The prayer in the writ petition is to quash the discharge receipt and consequently direct the registration of the sale certificate. The Sub-Registrar found that consequent to the discharge receipt, the vendor of the writ petitioner had no title to the property on the date of issuance of the sale certificate. We



find no error in the said observation. The learned Single Judge has also found no error in the decision of the Registrar refusing registration of the sale certificate. The disputed facts regarding the title of the vendor of the petitioner/appellant has to be adjudicated before the appropriate authority. It is settled that proceedings under Article 226 of the Constitution of India cannot be a substitute for civil adjudication to establish the rights of disputing parties. Hence, we find that the order of the learned Single Judge is well in consonance with the facts of the case and the provisions of law.

5. As a result, this Writ Appeal stands dismissed. No costs.

(G.J.,J.) (N.M.,J.)
03-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

rpl

To

1.The Inspector General of Registration
100, Santhome High Road,
Chennai-28.

2.The Sub Registrar
Office of the Sub Registrar,
Purasawalkam,
Chennai-23



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and
N.MALA J.

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