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W.P.No.6494 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.6494 of 2024

Rajkumar

.. Petitioner

Vs.

1. The State Bank of India

Rep. By the Assistant General Manager
Asset Recovery Management Branch
Having its Office at
No.44, I Floor, Eldams Road
Teynampet, Chennai 600 018.

2. M/s. Great Madras Builders

Rep. By its Proprietor
Mohammed Rafee
No.3, Yadhava Street
MTH Road, Padi, Chennai 600 050.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the 1st respondent to forward the sale certificate dated 25.04.2022 issued in favour of petitioner for filing in Book No.1 maintained by the Sub Registrar Office, Ambattur under Section 89(4) of the Registration Act, 1908.

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For Petitioner : Mr.AR.Balaji

For Respondents : Mr.N.Kishore Kumar
for Respondent-1

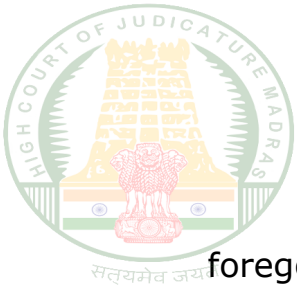
Mr.R.Gopinath
for Respondent-2

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Petitioner has filed this petition seeking direction to respondent bank to forward sale certificate for being entered into in the Register by Sub Registrar under Section 89(4) of the Registration Act, 1908.

2. According to petitioner, petitioner had purchased the mortgaged property standing in the name of the borrower, under a sale proceedings drawn by the bank towards recovery of loan liability, by paying huge amount of Rs.48,20,000/-. He would submit that though initially, before the Tribunal, it was recorded that parties have entered into negotiated settlement and filed affidavit to



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forego the property in favour of the principal for the amount to be reimbursed or on negotiated settled amount, the borrower has taken undue advantage and has not paid the amount till date. Therefore, in these circumstances, he should be prepared to return the entire amount which was received by him from the borrower and appropriate direction may be issued for forwarding the sale certificate for registration.

3. Learned counsel for bank would submit that it has sold the property of the borrower by way of auction which was purchased by petitioner. He would submit that as the bank has realised its dues, it has nothing to say and would be abiding by any order that would be passed by this Court.

4. Learned counsel for borrower would submit that the borrower was always willing to pay the entire amount under the settlement and in fact, he has paid Rs.13,50,000/- to petitioner. Due to financial stress, for reasons beyond control, he could not pay back the balance amount to petitioner and if he is given one more



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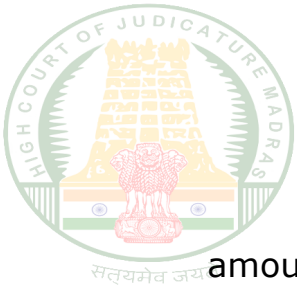
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opportunity to pay the balance amount, he would be paying the entire amount to petitioner within an outer limit of three months.

5. Learned counsel for petitioner would submit that petitioner is not agreeable to any such offer of settlement any more and prays for issuance of direction as prayed for. He disputes having received Rs.13,50,000/-. It is stated that petitioner received only Rs.10,00,000/- and not Rs.13,50,000/-, as claimed by the borrower.

6. Since the admitted amount received by petitioner is Rs.10,00,000/-, it is directed that in case petitioner deposits the amount of Rs.10,00,000/- with the concerned Debts Recovery Tribunal, the Debts Recovery Tribunal shall issue necessary direction to bank for forwarding the sale certificate to the Sub Registrar for being entered into the statutory register as mandated under Section 89(4) of the Registration Act.

7. The borrower shall be at liberty to receive the entire



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amount deposited by petitioner with the Debts Recovery Tribunal.

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8. Petition is, accordingly, allowed in the manner and to the extent stated above. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
26.11.2025

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

The Assistant General Manager
State Bank of India
Asset Recovery Management Branch
Having its Office at
No.44, I Floor, Eldams Road
Teynampet, Chennai 600 018.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

(kpl)

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