

यूनियन बैंक  
ऑफ इंडिया

भारत सरकार का उपक्रम



Union Bank  
of India

A Government of India Undertaking

Asset Recovery Branch

First floor, Hotel Samrat Building, 49/25, M.G. Marg, Civil Lines, Prayagraj - 211001

E-Mail: arb.prayagraj@unionbankofindia.bank

Regional Office: 24/28, Sarojini Naidu Marg, Prayagraj - 211001, Uttar Pradesh

REF:ARB:SRF:257:2024

Date:23.01.2024

To:-

The Sub Registrar-1,  
Sub- Registrar office,  
Prayagraj-211001,  
Distt.-Prayagraj

Sub: Compliance of order dated 06.12.2023 in writ petition number CWMP 29484 of 2023 for registration process of immovable property.

Sir,

We wish to inform you that the authorised officer of the Union Bank Of India under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Act, 2002 (Act No. 54 of 2002) in exercise of the powers conferred under section 13 read with rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002 sold on behalf of UNION BANK OF INDIA, Asset Recovery Branch, First floor, Hotel Samrat Building, 49/25, M.G. Marg, Civil Lines, Prayagraj - 211001, in favour of Mr. Amit Goel S/o Sri Virendra Kumar Goel, R/o- 300, Colonelganj, Post Kachehri, Allahabad (Prayagraj), U.P. Pin- 211002, the immovable property shown in the schedule below secured in favour of the Union Bank of India by M/s Greenland (A&M) Corporation Add.- 20, M.G. Marg, Prayagraj, U. P. towards the financial facility Cash Credit (H), Over Draft and Term Loan offered by Union Bank Of India to M/s Greenland Motors Add.- 17-A, Dayanand Marg (Thornhill Road) Facing Sai Mandir, District - Prayagraj, U.P. through its Partners - Sri Sunil Khetrpal S/o Sri R N Khetrpal, Sri Arun Khetrpal S/o Sri R N Khetrpal Sri Ranjan Khetrpal S/o Sri R N Khetrpal and Sri Anil Khetrpal S/o Sri R N Khetrpal. The undersigned acknowledge the receipt of the sale price of Rs.33,60,00000/- (Rupees Thirty Three Crores Sixty Lacs only) in full and handed over the delivery and possession of the scheduled property. The sale of the scheduled property was made free from all encumbrances known to the secured creditor listed below on deposit of the money demanded by the Bank. After that the Bank has issued a Sale certificate dated 28-04-2023 in favour of Mr.Amit Goel .

DESCRIPTION OF THE IMMOVABLE PROPERTY

All that part and parcel of Land and building on Plot No. 1.(Free hold), Admeasured 3001.93 Sqmtr., Situated at 3- Auckland Road, Near Cantonment Thana, District- Prayagraj, U.P.

Bounded :

On the North by- Plot No. 3  
On the South by- Auckland Road  
On the East by- 40 feet wide road  
On the West by- Part of Plot No. 1

List of Encumbrances - Not known to the secured creditor

संख्या 5444

तैयारी काल

मिलान काल

पहले वाले का हस्ताक्षर

द्वितीय वाले का हस्ताक्षर

Contd on page 2









After issuance of sale certificate Sri Amit Goel has filed a writ petition number CWMP 29484 of 2023 with a prayer to Hon'ble Allahabad High Court to direct the concern Authority to register the immovable property of the petitioner to be proceed with the registration process under Section 89 of the Registration Act. The Hon'ble Allahabad High Court has pleased to allow the same vide order dated 06.12.2023 : Photocopy of Certified order is attached here with for your reference.

In compliance of the order passed by the Hon'ble Allahabad High Court order dated 06.12.2023 in writ petition number CWMP 29484 of 2023, Amit Goel Vs State of U.P., copy of the sale certificate dated 28.04.2023 is being forwarded to be filed in Book-1 as per Section 89 of the Registration Act .

In view of above order dated 06.12.2023 in writ petition number CWMP 29484 of 2023 by Hon'ble Allahabad High Court and Copy of Sale certificate dated 28-04-2023 in favour of Sri Amit Goel is attached herewith for your kind perusal and necessary action .

Thanking you,

*Anoop Sinha*

(Anoop Sinha)  
Chief Manager

Authorised Officer/Branch Manager  
Union Bank of India, Asset Recovery Branch  
Prayagraj, Distt-Prayagraj



Enclosed

: Photocopy of Certified order of writ petition number CWMP29484 of 2023  
: Copy of Sale certificate dated 28-04-2023 in favour of Sri Amit Goel

संख्या.....

तैयारी करती है.....

मिलान वाली तारीख.....

पढ़ने वाले का हस्ताक्षर.....

गुप्त करने का हस्ताक्षर.....







Asset Recovery Branch

First floor, Hotel Samrat Building, 49/25, M.G. Marg, Civil Lines, Prayagraj - 211001

E-Mail: arb.prayagraj@unionbankofindia.bank

Regional Office: 24/28, Sarojini Naidu Marg, Prayagraj - 211001, Uttar Pradesh

SALE CERTIFICATE

[Rule - 9 (6) ]

(For Immovable property)

Whereas,

The undersigned being the authorised officer of the Union Bank Of India under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Act, 2002 (Act No. 54 of 2002) in exercise of the powers conferred under section 13 read with rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002 sold on behalf of UNION BANK OF INDIA, Asset Recovery Branch, First floor, Hotel Samrat Building, 49/25, M.G. Marg, Civil Lines, Prayagraj - 211001, in favour of Mr. Amit Goel S/o Sri Virendra Kumar Goel, R/o- 300, Colonelganj, Post - Kachehri, Allahabad (Prayagraj), U.P. Pin- 211002, the immovable property shown in the schedule below secured in favour of the Union Bank Of India by M/s Greenland (A&M) Corporation Add.- 20, M.G. Marg, Prayagraj, U. P. towards the financial facility Cash Credit (H), Over Draft and Term Loan offered by Union Bank Of India to M/s Greenland Motors Add.-17-A, Dayanand Marg (Thornhil Road) Facing Sai Mandir, District - Prayagraj, U.P. Through its Partners - Sri Sunil Khetrapal S/o Sri R N Khetrapal, Sri Arun Khetrapal S/o Sri R N Khetrapal, Sri Ranjan Khetrapal S/o Sri R N Khetrapal and Sri Anil Khetrapal S/o Sri R N Khetrapal. The undersigned acknowledge the receipt of the sale price of Rs.33,60,00000/- (Rupees Thirty Three Crores Sixty Lacs only) in full and handed over the delivery and possession of the scheduled property. The sale of the scheduled property was made free from all encumbrances known to the secured creditor listed below on deposit of the money demanded by the undersigned.

DESCRIPTION OF THE IMMOVABLE PROPERTY

All that part and parcel of Land and building on Plot No. 1.(Free hold), Admeasured 3001.93 Sqmtr., Situated at 3- Auckland Road, Near Cantonment Thana, District- Prayagraj, U.P.

Bounded :

On the North by- Plot No. 3  
On the South by- Auckland Road  
On the East by- 40 feet wide road  
On the West by- Part of Plot No. 1

List of Encumbrances -Not known to the secured creditor

Date: 28.04.2023

Place: Prayagraj

*I am verifying the signature of A.D. Sri Abhishek Kumar.*

Abhishek Kumar  
Authorised Officer  
UNION BANK OF INDIA

Copy of Original sale certificate dated 28.04.2023

पढ़ने वाले का हस्ताक्षर

सूचने वाले का हस्ताक्षर

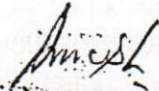




आवेदन सं०: 202400890001266

बही संख्या 1 जिल्द संख्या 12761 के पृष्ठ 83 से 86 तक क्रमांक 443 पर  
दिनांक 23/01/2024 को रजिस्ट्रीकृत किया गया।

रजिस्ट्रीकरण अधिकारी के हस्ताक्षर

  
संतोष कुमार प्रभारी  
उप निबंधक : सदर प्रथम  
प्रयागराज  
23/01/2024





Asset Recovery Branch

First floor, Hotel Samrat Building, 49/25, M.G. Marg, Civil Lines, Prayagraj - 211001

E-Mail: arb.prayagraj@unionbankofindia.bank

Regional Office: 24/28, Sarojini Naidu Marg, Prayagraj - 211001, Uttar Pradesh

REF:ARB:SRF:257:2024

Date:23.01.2024

To:-

The Sub Registrar-1,  
Sub- Registrar office,  
Prayagraj-211001,  
Distt.-Prayagraj

Sub: Compliance of order dated 06.12.2023 in writ petition number CWMP 29484 of 2023 for registration process of immovable property.

Sir,

We wish to inform you that the authorised officer of the Union Bank Of India under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (Second) Act, 2002 (Act No. 54 of 2002) in exercise of the powers conferred under section 13 read with rule 8 and 9 of the Security Interest (Enforcement) Rules, 2002 sold on behalf of UNION BANK OF INDIA, Asset Recovery Branch, First floor, Hotel Samrat Building, 49/25, M.G. Marg, Civil Lines, Prayagraj - 211001, in favour of Mr. Amit Goel S/o Sri Virendra Kumar Goel, R/o- 300, Colonelganj, Post Kachehri, Allahabad (Prayagraj), U.P. Pin- 211002, the immovable property shown in the schedule below secured in favour of the Union Bank of India by M/s Greenland (A&M) Corporation Add.- 20, M.G. Marg, Prayagraj, U. P. towards the financial facility Cash Credit (H), Over Draft and Term Loan offered by Union Bank Of India to M/s Greenland Motors Add.- 17-A, Dayanand Marg (Thornhil Road) Facing Sai Mandir, District - Prayagraj, U.P. through its Partners - Sri Sunil Khetrapal S/o Sri R N Khetrapal, Sri Arun Khetrapal S/o Sri R N Khetrapal Sri Ranjan Khetrapal S/o Sri R N Khetrapal and Sri Anil Khetrapal S/o Sri R N Khetrapal. The undersigned acknowledge the receipt of the sale price of Rs.33,60,00000/- (Rupees Thirty Three Crores Sixty Lacs only) in full and handed over the delivery and possession of the scheduled property. The sale of the scheduled property was made free from all encumbrances known to the secured creditor listed below on deposit of the money demanded by the Bank. After that the Bank has issued a Sale certificate dated 28-04-2023 in favour of Mr.Amit Goel .

DESCRIPTION OF THE IMMOVABLE PROPERTY

All that part and parcel of Land and building on Plot No. 1.(Free hold), Admeasured 3001.93 Sqmtr., Situated at 3- Auckland Road, Near Cantonment Thana, District- Prayagraj, U.P.

Bounded :

On the North by- Plot No. 3  
On the South by- Auckland Road  
On the East by- 40 feet wide road  
On the West by- Part of Plot No. 1

List of Encumbrances - Not known to the secured creditor

सख्या.....

तेयारी कता.....

मिलान कता..... पढ़ने वाले का हस्ताक्षर.....



Contd on page .....2





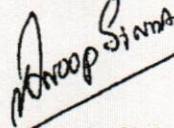


After issuance of sale certificate Sri Amit Goel has filed a writ petition number CWMP 29484 of 2023 with a prayer to Hon'ble Allahabad High Court to direct the concern Authority to register the immovable property of the petitioner to be proceed with the registration process under Section 89 of the Registration Act. The Hon'ble Allahabad High Court has pleased to allow the same vide order dated 06.12.2023 . Photocopy of Certified order is attached here with for your reference.

In compliance of the order passed by the Hon'ble Allahabad High Court order dated 06.12.2023 in writ petition number CWMP 29484 of 2023, Amit Goel Vs State of U.P., copy of the sale certificate dated 28.04.2023 is being forwarded to be filed in Book-1 as per Section 89 of the Registration Act .

In view of above order dated 06.12.2023 in writ petition number CWMP 29484 of 2023 by Hon'ble Allahabad High Court and Copy of Sale certificate dated 28-04-2023 in favour of Sri Amit Goel is attached herewith for your kind perusal and necessary action .

Thanking you,



(Anoop Sinha)  
Chief Manager

Authorised Officer/Branch Manager  
Union Bank of India, Asset Recovery Branch  
Prayagraj, Disst-Prayagraj

Enclosed

- : Photocopy of Certified order of writ petition number CWMP29484 of 2023
- : Copy of Sale certificate dated 28-04-2023 in favour of Sri Amit Goel



सख्या.....  
तैयारी कर्ता लिपिक.....  
मिलान कर्ता लिपिक.....

पढ़ने वाले का हस्ताक्षर .....

पढ़ने वाले का हस्ताक्षर .....







# SANDEEP ARORA

## ADVOCATE

High Court of Judicature at Allahabad

# 1097 ,Meerapur, Allahabad - 3

# 1232/515A Nehru Nagar, Allahabad-3

# Flat No. 202 Shree Shailam Heights, Sarojani Naidu Marg, Allahabad - 1

Mobile # 0-9453460232, 0-8707222651

DISTRICT- ALLAHABAD

Court No. - 6

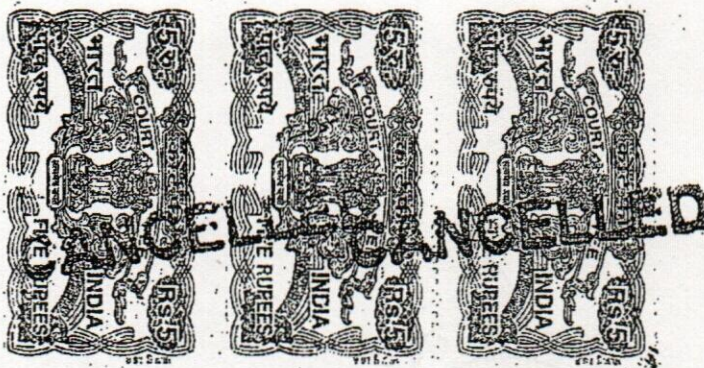
Case :- WRIT - C No. - 29484 of 2023

Petitioner :- Amit Goel

Vs.

Respondent :- State Of U.P. And 2 Other

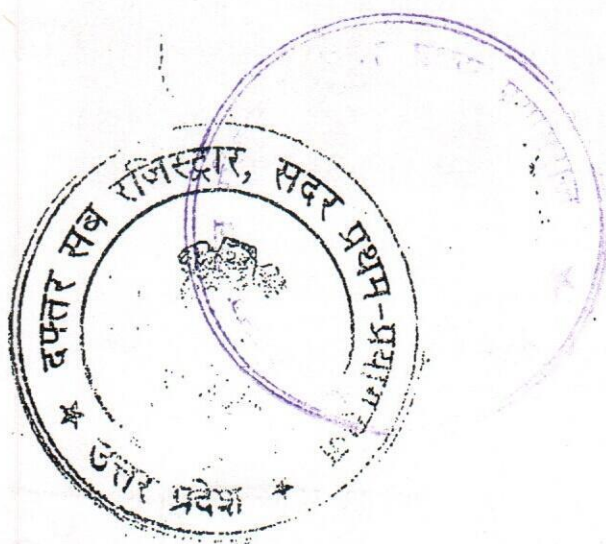
ORDER DATED : 06.12.2023



सख्या.....  
तेयारी कर्ता तिथि.....  
मिलान कर्ता तिथि.....

पढ़ने वाले का हस्ताक्षर.....









Warning :- Don't tamper with the barcode.

Embossing to be done below this line on the last page.

Embossing to be done above this line on the last page  
This Authenticated Copy is invalid without this page

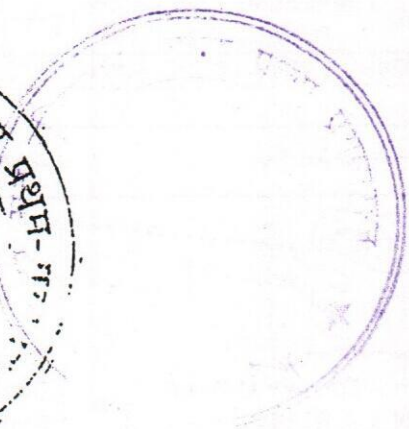


**Computerized Copying Section, High Court of Judicature at  
Allahabad**

Requisition Information								
Folio No.	Application Date	Case Type	Case No.	Year	Case filed at	Date of Judgment/Order	Court Fee	No.of Pages
690 of 2024	2.1.2024	WRIC	29484	2023	Allahabad	6.12.2023	15.0	8

Printed/Prepared by	Authenticated by	Date of Issuance
Signature :-  Name :- Geetu Rana Designation :- Review Officer Employee No. :- E11493	Signature :-  03/01/24 Name :- <del>मिलन गुप्ता</del> Milan Gupta Designation :- Section Officer Employee No. :- 6 7534	05 JAN 2024







Court No. - 6

Case :- WRIT - C No. - 29484 of 2023

Petitioner :- Amit Goel

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Aishwarya Pratap Singh

Counsel for Respondent :- C.S.C., Ashish Agrawal, Sandeep Arora

Hon'ble Mrs. Manju Rani Chauhan, J.

1. Heard Mr. Aishwarya Pratap Singh, learned counsel for the petitioner and learned Standing Counsel for the State-respondents.
2. This writ petition has been filed by the petitioner with a prayer to direct the respondent no.2 to register the immovable property of the petitioner bearing Plot No.1 (Free hold), ad-measuring an area of about 3001.93 sq. mtr. situated at 3-Auckland Road, Near Cantonment Thana, Prayagraj, U.P. and a further prayer to direct the respondent no.2 to decide the representation of the petitioner.
3. Brief facts of the case are that; the petitioner had participated in the auction proceedings, which were taken for the immovable property bearing Plot No.1 (Free hold), ad-measuring an area of about 3001.93 sq. mtr. situated at 3-Auckland Road, Near Cantonment Thana, Prayagraj, U.P. Being the highest bidder, he was the successful bidder and the ownership of the aforesaid plot was transferred to the petitioner after payment of Rs.33,60,00,000/- towards the sale price fixed by respondent no.3. After the aforesaid exercise, a duly validated sale certificate dated 28.04.2023, under Rule 9(6) of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short "SARFAESI Act") read with Enforcement Rules, 2002 was issued by the respondent no.3. A letter dated 28.06.2023, intimation about the aforesaid transfer of ownership of the plot in

सख्या.....

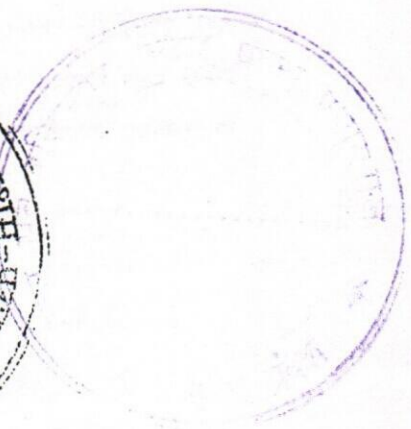
तैयारी करने दिनांक.....

मिलान काल दिनांक.....

गद्दे वाले का हस्ताक्षर

8







question to the petitioner was forwarded by the respondent no.3 to the respondent no.2 alongwith its relevant records.

4. Subsequently, the respondent no.2 vide letter dated 26.07.2023, instead of proceeding with the registration of the aforesaid immovable property purchased by the petitioner, demanded an information regarding payment of stamp duty in reference to the said immovable property for enabling him to proceed with the registration process under Section 89 of the Registration Act. The aforesaid information was sent by the respondent no.3 to the petitioner on 28.07.2023 on which a detailed representation was submitted by the petitioner on 31.07.2023, wherein the petitioner informed about the legal position with respect to the objections raised by the respondent no.2 and requested him to take appropriate action by registering the immovable property of the petitioner.

5. The respondent no.2 is sitting tight over the matter, who has not paid any attention to the representation moved by the petitioner nor has proceeded to register the property in question. Hence the present petition has been filed.

6. Learned counsel for the petitioner submits that as per Section 17(2)(xii) and Section 89(4) of the Registration Act, the legislative intent is clear that the word "Civil or Revenue-Officer" would also include a sale as held by the respondent no.3 in a proceeding under SARFAESI Act pursuant to which the auction purchaser becomes the owner of the property and no stamp duty is required to be paid as the same would fall within ambit of Section 89(2) of the Registration Act.

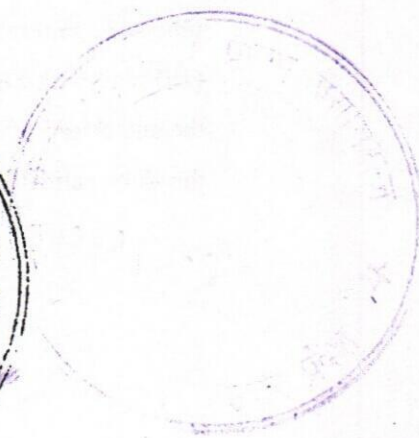
7. He further submits that this Court and the Hon'ble Apex Court have time and again reiterated that the mandate of law in terms of Section 17(2)(xii) read with Section 89(4) of the Registration Act, 1908 only required the authorised officer of the bank under the SARFAESI Act to hand over the duly validated sale certificate to the auction purchaser with a copy

सूचना  
तैयारी करी  
मिलान  
मिलान कर

पढ़ने वाले का हस्ताक्षर

2







forwarded to the registering authorities to be filed in Book I as per Section 89(4) of the Registration Act, 1908. However, certificate of sale issued under the SARFAESI Act cannot be regarded as conveyance subject to stamp duty.

8. While dealing with the aforesaid issue, learned counsel for the petitioner has relied upon the judgement of the Apex Court in the case of *Adit Ram vs. Masarat-un-Nissa* submits that as per the opinion of the Apex Court, a sale certificate is not an instrument of the kind mentioned in Clause (b) of Section 17 of Act III of 1877 and is not compulsorily registrable and also the Apex Court's view in *Esjaypee Impex Pvt. Ltd. vs. Asst. General Manager and Authorised Officer, Canara Bank*<sup>1</sup> opining that the mandate of law in terms of Section 17(2)(xii) read with Section 89(4) of the Registration Act, 1908 only required the Authorized Officer of the Bank under the SARFAESI Act to hand over the duly validated Sale Certificate to the Auction Purchaser with a copy forwarded to the Registering Authorities to be filed in Book I as per Section 89 of the Registration Act and order of this Court in M.A. No.19262/2021 in SLP(C) No.29752/2019 dated 29.10.2021 opining that once a direction is issued for the duly validated certificate to be issued to the auction purchaser with a copy forwarded to the registering authorities to be filed in Book I as per Section 89 of the Registration Act, it has the same effect as registration and obviates the requirement of any further action.

9. Placing reliance upon the judgment of Madras High Court in the case of *Sangeetha and another vs. The Sub Registrar, Pollachi, Coimbatore and others*<sup>2</sup> learned counsel for the petitioner submits that the provisions relating to this issue under Section 17(2)(xii) would show that a certificate of sale issued by a Civil or a Revenue Officer in evidence of a sale conducted by way of public auction is not compulsorily registrable and

<sup>1</sup> (2021) 11 SCC 537

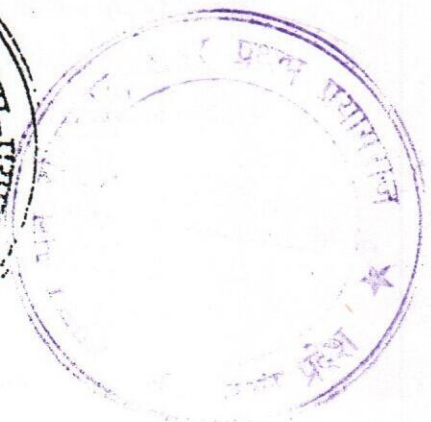
<sup>2</sup> (2022) ibclaw.in 268 HC

सख्या.....  
तैयारी कार्य मिलान  
मिलान कार्य मिलान

पढ़ने वाली का हस्ताक्षर

15







Section 89(4) imposes an obligation on the Revenue Officer, who conducts an auction sale to forward the certificate to the Registering Authority to enable him to file the same in Book-I maintained by him. The said sale certificate should be entered in Book I as per Section 89(4) of the Registration Act.

10. In the present case, the sale certificate as issued to the petitioner should be entered into Book I as per Section 89(4) of the Registration Act without any further requirements.

11. It is well settled that when an auction purchaser derives title on confirmation of sale in his favour, and a sale certificate is issued evidencing such sale and title, no further deed of transfer from the court is contemplated or required. In this case, the sale certificate itself was registered, though such a sale certificate issued by a court or an officer authorized by the court, does not require registration. Section 17(2)(xii) of the Registration Act, 1908 specifically provides that a certificate of sale granted to any purchaser of any property sold by a public auction by a civil or revenue officer does not fall under the category of non testamentary documents which require registration under sub-section (b) and (c) of section 17(1) of the said Act. Therefore, once the bid is accepted and the sale is confirmed by the court in favour of the purchaser, the sale becomes absolute and the title vests in the purchaser. There is no further requirement of any registration, thus no stamp duty is to be paid for the same. In support of his contention, he has relied upon the judgment of the Apex Court in the case of *B. Arvind Kumar vs. Government of India & Ors.*<sup>3</sup>

12. Thus, the certificate of sale issued in a Court sale or by a revenue officer does not need registration. The same has been held by the Apex

<sup>3</sup> (2007) 5 SCC 745

सख्या.....

प्राप्ति का तिथि.....

मिलान का तिथि.....

पदवी की हस्ताक्षर.....

पदवी का.....







Court in the case of *Smt. Shanti Devi L. Singh vs. Tax Recovery Officer and others*<sup>4</sup>.

13. In the proceedings under SARFAESI Act, the Court has gone to the extent of saying that a sale certificate is not an instrument of the kind mentioned in clause (b) of Section 17 of the Registration Act; the authorized officer of the bank under SARFAESI Act should hand over the duly validated sale certificate to the auction purchaser with a copy forwarded to the registering authority to be filed in Book no.1 as per section 89 of the Registration Act. Once a direction is issued for the duly validated certificate to be issued to the auction purchaser with a copy forwarded to the registering authority to be filed in Book No.1 as per Section 89 of the Registration Act, it has the same effect as registration and obviates the requirement of any further action. In support of his contention, he has relied upon the judgment of Hon'ble Telangana High Court in the case of *M/S. Anirudh Agro Farms Pvt. Ltd. vs. The State Of Telangana decided on 04.04.2023 passed in Writ Appeal No.414 of 2023*.

14. Thus, in the present case, where the respondent no.3 has forwarded the sale certificate to the respondent no.2 for the purpose of filing a copy of the same in book no.1 as per Section 89 (4) of the Registration Act, 1908, such would be taken as sale certificate issued by a revenue officer and would fall within ambit of Section 89(2) of the Registration Act.

15. On the cumulative strength of the aforesaid submissions, learned counsel for the petitioner submits that a direction may be issued to the respondent no.2 to register the immovable property of the petitioner in Book No.1 readwith Section 89(4) of the Registration Act, 1908.

16. Learned Standing Counsel could not dispute the aforesaid submissions made by the learned counsel for the petitioner.

<sup>4</sup> (1990) 3 SCC 605

सह्या.....

तैयारी कर्ता विधिक.....

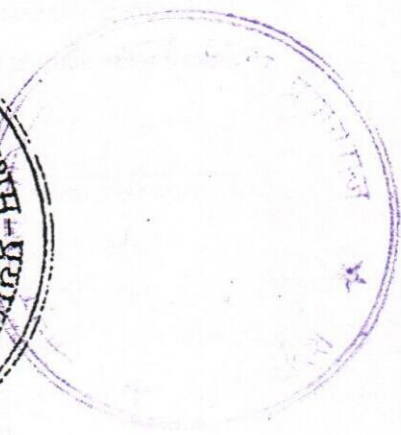
मिलान कर्ता विधिक.....

पक्षों वाले का हस्ताक्षर

चने तारी

6







17. This Court finds that as long as the sale certificate remains as it is, it is not compulsorily registrable. If the documents are used for any other purpose, it requires stamp duty. The Section 89(4) of the Registration Act contemplates only filing of the sale certificates and, therefore, the question of stamp duty does not arise. In this regard, the Apex Court in the case of *Esjaypee Impex Pvt. Ltd. (supra)* has held as follows :-

"14. We are the view that the mandate of law in terms of Section 17(2) (xii) read with Section 89(4) of the Registration Act, 1908 only required the Authorized Officer of the Bank under the SARFAESI Act to hand over the duly validated Sale Certificate to the Auction Purchaser with a copy forwarded to the Registering Authorities to be filed in Book I as per Section 89 of the Registration Act."

18. Section-17 of the Act specifies the documents which are compulsorily registrable. Sub-section (2) of Section-17 excludes certain documents from registration. It is relevant to note that Section 17(2)(xii) of the Act exempts the certificate of sale granted to the purchaser of any property sold by public auction by a civil or Revenue Officer, from registration. Hence it is clear that the sale certificate in question is not compulsorily registrable document. The petitioner need not be present personally for getting the sale certificate filed in Book No.I under Section-89(4) of the Act. As aforementioned, what is required to be done is only to send copy of the sale certificate by the Revenue Officer to the Sub-Registrar Officer for getting it filed in Book No.I maintained by Sub-Registrar. Such a procedure be done in the matter in hand.

19. The provisions under Section 89(4) of the Registration Act, 1908 is clear that "Every Revenue Officer granting a certificate of sale to the purchaser of immovable property sold by public auction shall send a copy of the certificate to the registering officer within the local limits of whose jurisdiction the whole or any part of the immovable property comprised in the certificate is situate, and such officer shall file the copy in his Book No. 1.

संख्या..... २१९५

तैयारी करी

मिलान

पढ़ने वाले की हस्ताक्षर

मनने वाले की







20. The procedure for registration is different from procedure for filing of documents under Section-89(4) of the Act. For the purpose of registration, the original of the document is presented for registration and the same is to be registered, whereas the copy of the sale certificate is filed under Section-89(4) of the Act. The original of the sale certificate need not be sent by the Revenue Officer to the Sub-Registrar for getting it filed under Section-89(4) of the Act. The executants of the document, which is required to be registered shall be present for registration and he shall have to undergo certain procedures for getting the deed registered as contemplated under the provisions of the Registration Act and the rules framed thereunder. Whereas under Section-89(4) of the Act, only a copy which has to be filed need to be transmitted to the concerned Sub-Registrar for filing. The procedure of presentation in person is dispensed with regard to the sale certificate under Section-89(4) of the Act because sale certificate is issued by the public authority discharging his official duties. When document is registered, the entirety of the document shall be copied out into the relevant book and the original document would be returned to the person who presents the document with necessary endorsement. Such requirement is dispensed in case of copy of sale certificate, which is simply filed.

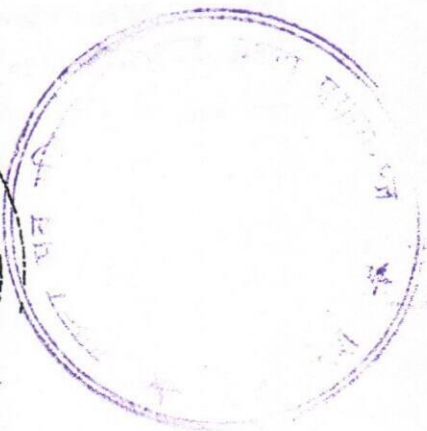
21. The certificate of sale itself being not compulsorily registrable document as is clear from Section 17(2)(xii) of the Act, the transfer of title in his favour is not vitiated by non-registration of the certificate. The copy of the certificate filed in Book No.I contains all the relevant details. The index has to be maintained under Section-55 of the Act. It would be open to inspection for all persons. Looking into the relevant provisions of the Act, it would be sufficient to say for the purpose of this case that the Sub-Registrar is required to file copy of the sale certificate in Book No.I and no more.

सह्या.....  
 तैयारी कर्ता लिपिक.....  
 मिलाने का अधिकारी.....

पढ़ने वाले का हस्ताक्षर.....  
 सहायक न्यायाधीश.....

Δ







22. Thus, it is transparent that once a direction is issued for the duly validated sale certificate to be issued to the auction purchaser with a copy forwarded to the registering authorities to be filed in Book I as per Section 89 of the Registration Act, it has the same effect as registration and obviates the requirement of any further action.

23. In view of the above discussion, the respondent no.2 is directed to register the aforesaid immovable property of the petitioner, in view of the settled legal position as discussed above.

24. Accordingly, this writ petition is **allowed**. No order as to costs.

(Manju Rani Chauhan, J.)

Order Date :- 06.12.2023

Jitendra/-

AUTHENTICATED COPY

03/01/24

SECTION OFFICER  
COMPUTERISED COPY SECTION  
HIGH COURT, ALLAHABAD

Digitally signed by :-  
JITENDRA KUMAR YADAV  
High Court of Judicature at Allahabad

तयार

मिलान बतल

पढ़ने वाले का हस्ताक्षर

सत्य प्रतिलिपि

उपनिबन्धक प्रथम

प्रथमराज 17/12/2024



