

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

FRIDAY, THE 25TH DAY OF SEPTEMBER 2020 / 3RD ASWINA, 1942

WP(C).No.19885 OF 2020(I)

PETITIONER(S) :

SUNDARAM HOME FINANCE LIMITED,
SUNDARAM TOWER, 46, WHITES ROAD,
CHENNAI-600014, REP. BY ITS
AUTHORIZED OFFICER VISHNU R.

BY ADVS.
SRI.P.BINNY JOSEPH
SRI.DIPU.R
SHRI.BASIL MATHEW

RESPONDENTS :

- 1 THE SUB REGISTRAR,
SUB REGISTRATION OFFICE,
KUNNAMKULAM-680503.
- 2 THE VILLAGE OFFICER,
ARTHAT VILLAGE, THALAPPILLY TALUK,
TRISSUR DISTRICT-680551.

SRI K.P HARISH, SENIOR GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
25.09.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

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The petitioner is a Non-Banking Housing Finance Company. They contend that proceedings were initiated against one Thampi and his wife under the Securitisation and Reconstruction of Financial Assets and Enforcement of Securities Interest Act, 2002 ('SARFAESI' Act). In accordance with the provisions of the Act and in exercise of powers conferred upon them under the relevant provisions of the Security Interest (Enforcement) Rules, 2002, the secured asset was brought for sale. Exhibit P3 is the sale certificate. The grievance of the petitioner is that when they approached the 1st respondent to get the sale registered, the production of Record of Rights Certificate was insisted with.

2. Heard Sri. Binny Joseph, the learned counsel appearing for the petitioner and the learned Government Pleader

3. This Court in **Synudheen v. State of Kerala** [2013 (1) KLT 221] and later in **Jacob P.C. v. Village Officer, Ernakulam and Another** [2020 (4) KHC 167] have held that production of RoR certificate is only optional and cannot be made mandatory and the registration officials concerned will not have jurisdiction to refuse registration on the mere ground that the party who presents the document has not produced the RoR certificate in respect of the

property concerned.

Resultantly, this petition is disposed of directing the 1st respondent not to insist on the production of Record of Rights (RoR) certificate as a precondition for registering Exhibit P3 sale certificate.

Sd/-

**RAJA VIJAYARAGHAVAN V**

**JUDGE**

sru

**APPENDIX**

**PETITIONER(S) EXHIBITS:**

- EXHIBIT P1                    THE TRUE COPY OF THE DEMAND NOTICE DATED  
1.9.2014 ISSUED BY THE PETITIONER TO THE  
BORROWER.
- EXHIBIT P2                    THE TRUE COPY OF THE POSSESSION NOTICE  
ISSUED BY THE PETITIONER ON 10.7.2015.
- EXHIBIT P3                    THE TRUE COPY OF THE SALE CERTIFICATE  
PREPARED BY THE PETITIONER BY FAVOUR OF  
THE AUCTION PURCHASER DATED 27.3.2020.

**RESPONDENT(S) EXHIBITS: NIL**

/TRUE COPY/

P.A. TO JUDGE