



2026:KER:45447

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE P. V. BALAKRISHNAN

TUESDAY, THE 23<sup>RD</sup> DAY OF JUNE 2026 / 2ND ASHADHA, 1948

WP(C) NO. 21306 OF 2026

PETITIONERS:

- 1 SOLY JAMES, AGED 59 YEARS  
W/O GEORGE VARKEY ABRAHAM 3/175 B,  
PAYYAMPALLIL VIKRAM SARABHAI ROAD MARADU P O  
ERNAKULAM, PIN - 682304
- 2 M A HARIS, AGED 62 YEARS  
S/O ABDUL WAHAB VILL NO.3, BCG BUNGLOWS,  
AMBEDKAR ROAD VENNALA ERNAKULAM, PIN - 682028

BY ADVS.  
SMT.P.DEEPTHI  
SMT.O.V.DEEPA

RESPONDENTS:

- 1 STATE OF KERALA  
REPRESENTED BY SECRETARY,  
REGISTRATION DEPARTMENT SECRATARIAT,  
THIRUVANANTHAPURAM, PIN - 695001
- 2 THE SUB REGISTRAR  
SUB REGISTRAR OFFICE MARADU,  
ERNAKULAM, PIN - 682304
- 3 CATHOLIC SYRIAN BANK LTD  
REPRESENTED BY ITS AUTHORISED OFFICER,  
ASSET RECOVERY BRANCH CHITTOOR ROAD,  
VALANJAMBALAM ERNAKULAM, PIN - 682016



BY ADVS.

SRI. RAKESH SHARMA, GOVERNMENT PLEADER

SRI. MADHU RADHAKRISHNAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 23.06.2026, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:



**P.V. BALAKRISHNAN, J.**

.....  
**W.P.(C)No.21306 of 2026**

.....  
**Dated this the 23<sup>rd</sup> day of June, 2026**

**JUDGMENT**

The petitioners are the auction purchasers in a sale conducted by the 3<sup>rd</sup> respondent under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (hereinafter referred to as the 'SARFAESI Act', for short).

2. On payment of the entire bid amount, the petitioners were also issued with Exts.P1 and P1(a) sale certificates. When the Authorised Officer of the 3<sup>rd</sup> respondent approached the 2<sup>nd</sup> respondent to enter Exts.P1 and P1(a) in Book No.1, the same was refused as per Ext.P3 orders, stating that stamp duty has to be paid. It is in such circumstance, the petitioners approached this Court by filing this writ petition seeking the following reliefs:-

"i) Issue a writ of mandamus or any other appropriate writ, order or direction commanding the 2<sup>nd</sup> respondent to enter the details of Exhibit-P1 & Exhibit-P1(a) Sale Certificates issued by the 3<sup>rd</sup> respondent in favour of the petitioners in Book No.1 maintained by the Sub Registrar Office, Maradu within such time as this Honourable Court may deem fit



and proper;

ii) Declare that the petitioners are entitled to have the particulars of Exhibit-P1 & Exhibit-P1(a) Sale Certificates entered in Book No.1 under Section 89(4) of the Registration Act."

3. Heard the learned counsel for the petitioners, the learned Government Pleader appearing for respondents 1 and 2; and the learned counsel appearing for the 3<sup>rd</sup> respondent.

4. The issue raised in this writ petition is no more *res integra* in the light of the Full Bench decision of this Court in **State of Kerala v. Ramakrishnan Sunil Babu [2026 KHC OnLine 1797]**. In this decision, it was categorically held that a certificate of sale is not liable to stamp duty at the time of issuance, since it merely evidences title that has already passed upon confirmation of the auction sale and does not by itself create or transfer any right. It was also held that stamp duty is only required in case where the certificate is presented for registration and not for entry in Book No.1. If so, in the light of the said decision, I find no impediment in allowing this writ petition in favour of the petitioners.

Hence, this writ petition is allowed and there shall be a direction to the 2<sup>nd</sup> respondent to enter Exts.P1 and P1(a) sale certificates in Book No.1, as mandated under Section 89(4) of



the Registration Act, without insisting for payment of stamp duty, if the petitioners produce the sale certificates before the 2<sup>nd</sup> respondent within a period of three weeks from the date of receipt of a copy of this judgment.

**Sd/-  
P.V. BALAKRISHNAN,  
JUDGE**

Dxy



APPENDIX OF WP(C) NO. 21306 OF 2026

**PETITIONER EXHIBITS**

- EXHIBIT-P1** A TRUE COPY OF THE SALE CERTIFICATE ISSUED TO THE 1ST PETITIONER DATED 18.03.2025
- EXHIBIT-P1 (A)** A TRUE COPY OF THE SALE CERTIFICATE ISSUED TO THE 2ND PETITIONER DATED 21.03.2025
- EXHIBIT-P2** A TRUE COPY OF THE COMMUNICATION LETTER NO. ARBEKM/F-248/H/432/2025-26 DATED 02.03.26 SENT BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT
- EXHIBIT-P2 (A)** A TRUE COPY OF THE COMMUNICATION LETTER NO. ARBEKM/F-299/S/433/2025-26 DATED 03.03.26 SENT BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT
- EXHIBIT-P3** TRUE COPIES OF THE COMMUNICATIONS DATED 05.03.2026 SENT BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT
- EXHIBIT-P4** A TRUE COPY OF THE COMMUNICATION LETTER NO. ARBEKM/F-299/SK/RLY/437/2025-26 DATED 9/3/2026 SENT BY THE 3RD RESPONDENT TO THE 1ST PETITIONER
- EXHIBIT-P4 (A)** A TRUE COPY OF THE COMMUNICATION LETTER NO. ARBEKM/F-299/H/RLY/436/2025-26 DATED 9/3/2026 SENT BY THE 3RD RESPONDENT TO THE 2ND PETITIONER