

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 18TH DAY OF DECEMBER 2015/27TH AGRAHAYANA, 1937

WP(C).No. 38583 of 2015 (W)

PETITIONER :

**K.V.IBRAHIM, AGED 63 YEARS
S/O. VEERAVU, THACHI MANZIL, 31
THAMMANAM DESOM, POONITHURA VILLAGE
KANAYANNUR TALUK-682032.**

BY ADV. SRI. P.K. SAJEEV

RESPONDENT(S) :

- 1. SYNDICATE BANK
MANAPPATT BUILDING, NORTH NADA, LOKAMALESWARAM VILLAGE
KODUNGALLUR TALUK-680664
REPRESENTED BY ITS BRANCH MANAGER.**
- 2. THE AUTHORISED OFFICER
SYNDICATE BANK, MANAPPATT BUILDING, NORTH NADA
LOKAMALESWARAM VILLAGE, KODUNGALLUR TALUK-680664.**
- 3. K.K.SUHARA
W/O. ABUBACKER, THOPPIYIL HOUSE
PADINJARE VEMBALLUR DESOM, SREENARAYANAPURAM VILLAGE
KODUNGALLUR TALUK-680671.**
- 4. THE ADDITIONAL TAHSILDAR
TALUK OFFICE, KODUNGALLUR-680664.**
- 5. THE VILLAGE OFFICER
VILLAGE OFFICE, PADINAJRE VEMBALLUR
KODUNGALLUR-680671.**

**R1 & R2 BY ADV. SRI.R.S. KALKURA, SC
R4 & R5 BY GOVT. PLEADER SMT. C.K. SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 38583 of 2015 (W)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE DOC.NO.1215/2012 OF MATHILAKAM SRO.

**EXHIBIT P2: TRUE COPY OF THE LETTER NO.D3-6676/12/TR/K.DIS DATED 22.6.2012
ISSUED BY THE 4TH RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No.38583 of 2015  
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Dated this the 18th Day of December, 2015

J U D G M E N T

The petitioner has purchased a property covered by Exhibit P1 in a public auction under the SARFAESI Act. The petitioner has approached this Court on account of the refusal to effect transfer of registry due to an attachment over the property before the civil court.

2. This Court is of the view that attachment cannot be a reason to deny transfer of registry. Therefore, transfer of registry shall be effected in favour of the petitioner based on Exhibit P1. It is open for the petitioner to seek appropriate relief for lifting the attachment before the authority having competent jurisdiction in the light of the judgment of this Court in **Madhan v. Sub Registrar [2014 (1) KLT 406]**.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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