

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.35183 of 2015

Phoenix ARC pvt Ltd Rep by
its Authorised Signatory Mr.Ajay Walimbe
Having its registered office at Dani
Corporate Park 7th Floor 158 CST Road
Kalina Santacruz(E) Mumbai ...Petitioner

-Vs-

- 1 The Secretary to Government of
Puducherry Industries Department Goubert
Avenue Puducherry-1
- 2 The District Registrar
Registration Department Government of
Puducherry Puducherry
- 3 The Sub Registrar
Niravi sub Registry Puducherry Registration
District T.R.Pattinam Commune Panchayat
Limit
- 4 M/s.State Bank of Hyderabad
Hybank Towers Gunfoundry Hyderabad-500 001
Telengana
- 5 M/s.Karaikal Port Pvt Ltd
Khezhavanjoor Village T.R.Pattinam
Karaikal India-609 602 ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to accept and register the Assignment Deed dated 30.06.2015 executed by the third respondent in favour of the petitioner company in accordance with law without insisting on production of any no objection from Government of Puducherry.

For Petitioner : Mr.V.Suthakar
For R1 to R3 : Mr. R.S.Sreedhar, Govt. Advocate

O R D E R

The petitioner, who is an asset reconstruction company has filed this writ petition praying for a direction upon the second respondent, the District Registrar, Registration Department, Government of Puducherry to accept and register the assignment deed dated 30.6.2015 executed by the 4th respondent in favour of the petitioner company.

2. The 4th respondent financed a project for the Karaikal port to be done by the 5th respondent company on the property leased by the Government of Puducherry. The 4th respondent, namely, the State Bank of Hyderabad is said to have assigned the debt in favour of the petitioner and the assignment agreement has been entered into. Now, the petitioner seeks for registration of the said document for which according to the petitioner they have been orally informed by the Registration Department to seek for No Objection Certificate from the Government.

3. The petitioner would state that the necessity to obtain No Objection Certificate would not arise since it is only an assignment deed and nothing to do with the underlying security.

4. However, at this stage of the matter, this Court does not propose to make any observations which may affect the interest of the petitioner and suffice to state that the debt is secured by an asset and in the instant case, the asset is a lease-hold property owned by Government of Puducherry.

5. In any event, the 3rd respondent, who is the competent authority under the Registration Act, has to take a decision in the matter. If a document is presented for registration and if there are good and valid grounds to refuse registration, then the authority has to pass an order in writing and cannot orally inform the petitioner to do certain things. As and when, the petitioner presents the document for registration before the 3rd respondent, the 3rd respondent shall enquire into the matter and pass a reasoned order on merits in accordance with law as expeditiously as possible.

6. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1 The Secretary to Government of
Puducherry Industries Department Goubert
Avenue Puducherry-1
- 2 The District Registrar
Registration Department Government of
Puducherry Puducherry
- 3 The Sub Registrar
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- 4 M/s.State Bank of Hyderabad
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Telengana

+1 cc to M/S.V.Suthakar Advocate sr.60230
+1 cc to Senior Government pleader -cum-Public
Prosecutor for puducherry HighCourt Madras sr.60768

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