

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2018

CORAM

THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.20651 of 2018
and
W.M.P.No.24272 of 2018

S.Anbukkarasi ...Petitioner
Vs.

1.The Sub-Registrar,
Registration Department,
Avinashi - 641 654.

2.The Branch Manager,
Bank of Maharashtra,
No.488, P.N.Road,
Tiruppur - 641 603.

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus, forbearing the first respondent from in any way registering the sale certificate pertaining to the Agricultural lands of the petitioner measuring 2.35 Acres and 0.11 Acres in S.F.No.201/2 situated at Kaniampoondi Village, Avinashi Taluk, Tiruppur District till the details furnished by the second respondent herein as sought for by the petitioner.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

Mr.T.M.Pappiah, learned Special Government Pleader, takes notice for the respondents. By consent, the main writ petition itself is taken up for disposal at the admission stage itself.

2. The petitioner has filed the above Writ Petition to issue a writ of mandamus, forbearing the first respondent from any way registering the sale certificate pertaining to the Agricultural lands of the petitioner measuring 2.35 Acres and 0.11 Acres in S.F.No.201/2 situated at Kaniampoondi Village,

Avinashi Taluk, Tiruppur District till the details furnished by the second respondent, as sought for by the petitioner.

3. Admittedly, the property which was mortgaged by the Bank was sold by the respondent Bank and the sale certificate was issued to the auction purchaser. Now, the petitioner has filed the present writ petition forbearing the first respondent from registering the sale certificate. Since the petitioner has got remedy by way of SARFAESI Act before the Debts Recovery Tribunal, the present case is not entertained.

4. Accordingly, the Writ Petition is dismissed. It is open to the petitioner to challenge the proceedings before the Debts Recovery Tribunal in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

ms

To

1.The Sub-Registrar,
Registration Department,
Avinashi - 641 654.

2.The Branch Manager,
Bank of Maharashtra,
No.488, P.N.Road,
Tiruppur - 641 603.

+1cc to M/S.K.GOVI GANESH, Advocate, S.R.No.55569
+1cc to the Government Pleader, S.R.No.55660

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