



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.2129 OF 2022

Punjab National Bank,  
Circle SASTRA, Chennai Centre, Chennai South,  
PNB Towers, Mezzanine Floor, 46-49,  
R.H.Road, Royapettah, Chennai - 14.  
Represented by its Chief Manager,  
Mr.P.Mahendran, S/o.Pattabiraman

... Petitioner

Vs.

1. The Arbitrator,  
The Registrar of Chits,  
Central Chennai Chit fund cases Court,  
537, Fanepet, Nandanam,  
Chennai - 600 035.
2. The Inspector General of Registration,  
100, Santhome High Road,  
Chennai - 600 028.
3. The Sub-Registrar,  
Office of Sub-Registrar,  
Chennai - Tiruvallur High (CTH) Road,  
Ambattur, Chennai - 600 035.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3<sup>rd</sup> respondent to consider the representation dated 18.10.2021 to remove the entry in encumbrance Certificate in Document No.73/2019 dated 27.11.2019 and Document No.7/2021 dated 10.02.2021 on the file of SRO - Ambattur in respect of the land measuring 2680 sq.ft. Land and building comprised in S.No.642/3A1 situated at No.17, Thembavani Street, Sri Sakthi Ngar, Thirumllaivoyal, Avadi, Chennai - 600 062.

|                 |                                                      |
|-----------------|------------------------------------------------------|
| For Petitioner  | : Mrs.P.Rajalakshmi                                  |
| For Respondents | : Mr.Yogesh Kannadasan<br>Special Government Pleader |



## O R D E R

The petitioner has filed this petition seeking issuance of writ of Mandamus, directing the 3<sup>rd</sup> respondent to consider the representation dated 18.10.2021 to remove the entry in encumbrance Certificate in Document No.73/2019 dated 27.11.2019 and Document No.7/2021 dated 10.02.2021 on the file of SRO - Ambattur in respect of the land measuring 2680 sq.ft. Land and building comprised in S.No.642/3A1 situated at No.17, Thembavani Street, Sri Sakthi Ngar, Thirumllaivoyal, Avadi, Chennai - 600 062.

2. Since no adverse orders are passed against the respondents, notice to them is not necessary and this Court is inclined to dispose of the case based on the available materials.

3. The case of the petitioner is that bthe petitioner Bank and M/s.A.K.Trading Corporation entered into an Agreement. In the said Loan Agreement, Mrs.Muthupandiammal stood as Guarantor and mortgaged her personal property measuring about 2680 sq.ft land and building comprised in S.F.No.642/3A1 situated at No.17, Thembavani Street, Sri Sakthi Nagar, Tirumullaivoyal, Avadi, Chennai 600 062. While so, one M/s.Magarisi Chits Private Limited has filed an Arbitration Application before the Arbitrator, wherein Mrs.Muthupandiammal has stood as 5<sup>th</sup> Judgment debtor and the Arbitrator passed an order, restraining the judgment debtor from transferring or charge over the property. The said Chits Pvt Ltd., with malicious intention suppressed the facts that already the petitioner Bank have charge over the same property, obtained an attachment orders before the Arbitrator in their favour . The petitioner has initiated SARFAESI proceedings to recover the dues, since the borrower, guarantor failed to repay the dues and the formalities under the SARFAESI Act to sale the property were fully completed. However, the petitioner is duty bound to register the property to the auction purchaser without any encumbrance. It is alleged by the petitioner that the above said Chits Pvt Limited wantonly created two attachment orders in the subject property with malafide intention and without producing proper documents before the Arbitrator. In this regard, already the petitioner Bank has sent representation to the respondents on 18.10.2021 to remove the entieres regarding two attachment orders, but as on date, the respondents has not taken any effective steps to remove the entry in the encumbrance certificate. Aggrieved by the same, the present Writ Petition is filed.

4.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the



petitioner's representation dated 18.10.2021 and pass orders on the same within a particular time frame fixed by this Court.

5. The learned Government Advocate has no objection for said order being passed.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 18.10.2021, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Arbitrator,  
The Registrar of Chits,  
Central Chennai Chit fund cases Court,  
537, Fanepet, Nandanam,  
Chennai - 600 035.
2. The Inspector General of Registration,  
100, Santhome High Road, Chennai - 600 028.
3. The Sub-Registrar,  
Office of Sub-Registrar,  
Chennai - Tiruvallur High (CTH) Road,  
Ambattur, Chennai - 600 035.

+1cc to the Government Pleader, High Court, Madras, S.R.No.9229

W.P.No.2129 of 2022

SS(CO)  
RLP(11/03/2022)