



WEB COPY



W.P.No.17557 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.17557 of 2022

Akshobhaya Steels Private Limited,
Represented by its Director Mr.Manigandan,
S/o.K.K.Subramani,
No.25, Ezhil Nagar,
Soorapattu, Puzhal Post,
Chennai – 600 061.

...Petitioner

vs.

1.The District Registrar, (Admin),
Chennai North, Kuralagam,
Chennai – 600 108.

2.The Sub Registrar,
Sub Registrar Office, Ponneri,
Chennai – 600 067.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to conduct enquiry on the petitioner's statutory appeal dated 08.02.2022 pending on the file of the 1st respondent in Appeal No.1382 of 2022, filed challenging the order passed by the 2nd respondent rejecting the registration of the sale deed dated 06.06.2018 vide proceedings dated 21.01.2022 ref.no.241/2021 and to dispose of the same within a time frame as may be fixed by this Court.



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For Petitioner : Mr.C.Jayachithra

For respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to conduct enquiry on the petitioner's statutory appeal dated 08.02.2022 pending on the file of the 1st respondent in Appeal No.1382 of 2022, filed challenging the order passed by the 2nd respondent rejecting the registration of the sale deed dated 06.06.2018 vide proceedings dated 21.01.2022 ref.no.241/2021 and to dispose of the same within a time frame as may be fixed by this Court.

2. The case of the petitioner is that the subject property was mortgaged for a sum of R.3,25,00,000/- under the mortgage deed dated 11.07.2014 with the mortgagee namely, M/s.S.L.O. Industries Pvt Ltd. Since, the mortgagor failed to discharge the dues, the mortgagee realized the security by selling the subject property to the petitioner through the power of attorney agent by a sale deed dated 06.06.2018 for a sum of



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Rs.1,95,87,900/- and for registration of the same petitioner produced document No.P/Ponneri/111/2018 before the second respondent. However, he refused to complete registration on the ground that there is an encumbrance in the subject property i.e. an order of attachment before judgment passed by this Court in Appln No.3338 of 2017 on 29.08.2017. Challenging the same, petitioner preferred appeal in Appeal No.1381 of 2022 before the first respondent and it is pending. Since no enquiry was conducted on the said appeal, the petitioner has filed the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the first respondent to conduct enquiry on the petitioner's statutory appeal dated 08.02.2022 in Appeal No.1381 of 2022 and pass orders on merits within a particular time frame to be fixed by this Court.

4. The learned Government Advocate appearing for respondents has no objection for said order being passed.



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5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent to conduct enquiry on the petitioner's statutory appeal dated 08.02.2022 in Appeal No.1381 of 2022 and dispose the same within a period of six weeks from the date of receipt of a copy of this order.

7. With the above observations and direction, the Writ Petition is disposed of. No costs.

11.07.2022

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Index : Yes/No
Speaking order : Yes/No

Note: Issue on 12.07.2022



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To

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M.DHANDAPANI, J.

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