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WP.No.27492 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

WP.No.27492 of 2022

L&T Finance Ltd  
Represented by its Authorised Signatory  
No.62, 6<sup>th</sup> Floor, KGN Towers  
Ethiraj Salai, Egmore  
Chennai – 600 008

.. Petitioners

Versus

1.The Sub Registrar  
257, Cuddalore Main Road  
Taluk Office Campus  
Virudachalam, Tamil Nadu – 606 061

2.Phoenix Asset Reconstruction Company P Limited  
5<sup>th</sup> Floor, Dani Corporate Park  
158, CST Road, MMRDA Area  
Kalina, Santacruz East  
Mumbai, Maharashtra 400 098

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to release the Original Registered Assignment Deed dated 29.03.2022 to the petitioner.

For Petitioner : Mr.Srinath Sridevan  
For Respondents : Mr.E.Vijay Anand for R1  
Additional Government Pleader

**ORDER**

This writ petition is filed seeking to direct the 1<sup>st</sup> respondent to release



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the Original Registered Assignment Deed dated 29.03.2022 to the petitioner.

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2.The learned counsel for the petitioner vehemently contended that petitioner company assigned the secured asset viz., account of the borrower to the second respondent herein vide assignment deed dated 29.03.2022 under Section 5(i)(b) of the SARFAESI Act and the same was presented for registration before the first respondent after remitting the entire stamp duty and registration charges. However, the first respondent has kept pending vide Doc.No.34 of 2022 and has not passed any order till date and the same is pending without consideration. Hence, this writ petition.

3. On 19.10.2022, this Court directed the learned Additional Government Pleader to get instructions with regard to registration of the subject Assignment Deed and the matter was posted for hearing today. Today, the learned Additional Government Pleader placed a status report filed by the first respondent, wherein, it is stated that the first respondent has sought for details from other District Registrars, where, the subject assignment deed falls under purview with regard to encumbrances in their offices and further, seeks this Court for an outer time-limit to complete the process.



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4. The learned Additional Government Pleader relying on the Status Report submitted that the document will be entertained if it is otherwise in order and if there is no legal impediment within a period of fourteen weeks after obtaining report from the concerned District Registrars.

5. In view of the consent view expressed by the learned Additional Government Pleader, this Court directs the first respondent to pass appropriate order(s) on merits and entertain the subject assignment deed, if it is otherwise in order and there is no legal impediments within a period of fourteen weeks from the date of receipt of a copy of this Order.

6. Accordingly, this writ petition stands disposed of. No costs.

02.11.2022

dhk  
Index: Yes/No  
Internet: Yes/No

To

The Sub Registrar  
257, Cuddalore Main Road  
Taluk Office Campus  
Virudachalam, Tamil Nadu – 606 061



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**M. DHANDAPANI, J.**

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