



W.P.No.31158 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.31158 of 2022

R.P.Mohan

... Petitioner

Vs.

1.The District Registrar,
Krishnagiri District.

2.The Sub Registrar,
Krishnagiri Joint I,
Krishnagiri District.

3.The Sub Registrar,
Tenkanikottai Taluk,
Krishnagiri District.

4.Axis Bank Limited,
Rep. by its authorized officer,
1st Floor, Jawahar Towers,
New No.3, Old No.2,
Club House Road,
Anna Salai, Chennai – 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to take necessary corrections in the encumbrance certificate with regard to petitioner's property in the light of orders passed by Debt Recovery Tribunal-II, Chennai in S.A.No.199 of 2020 by disposing of the petitioner's representation dated



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WEB COPY For Petitioner : Mr.M.Sudhan

For Respondents : Mr.C.Kathiravan,
Special Government Pleader

ORDER

The petitioner has filed this petition for issuance of Writ of Mandamus directing the respondents 1 and 2 to take necessary corrections in the encumbrance certificate with regard to petitioner's property in the light of orders passed by Debt Recovery Tribunal-II, Chennai in S.A.No.199 of 2020 by disposing of the petitioner's representation dated 01.09.2022.

2. With the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner's wife purchased the properties in S.Nos.308/2, 309/2 to an extent of about 2 acre 15 cents vide Doc.No.4277 of 2008. Further, the petitioner has also purchased the properties in S.No.1 (New S.No.1/2) in Akkalapuram village to an extent of



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about 1 acre 60 cents vide Doc.No.855 of 1993. Subsequently, the petitioner's family have purchased a property in S.No.2/2 to an extent of about 3 acre 0.09 cents vide Doc.No.1009/1993 and S.No.16/8 vide gift come settlement deed Doc.No.753 of 1992 and all these properties are situated at Akkalapuram, Kothepettah Village, Krishnagiri District.

3.1. Whiles, the petitioner has decided to pledge the aforesaid properties in order to develop his various business before the fourth respondent Bank, however, due to downfall in the business, he is not in position to repay the loan. Due to which, the Bank had initiated recovery proceedings under SARFAESI Act and a sale notice dated 09.12.2020 was issued by the fourth respondent. Thereafter, the sale was conducted and sale certificate was registered on 14.06.2021 vide Doc.Nos.1865/2021, 2013/2021, 2014/2021 and 4291/2021. Challenging the said sale notice, the petitioner has filed S.A.No.199 of 2020 before the Debt Recovery Tribunal (DRT-II), Chennai. After the due enquiry, the DRT-II has passed an order dated 29.07.2022 by setting aside the sale certificate.



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3.2. In spite of the order passed by the DRT-II, Chennai, till date, the sale certificate issued in favour of the auction purchasers are still shown in the encumbrance certificates. Therefore, the petitioner made a detailed representation dated 01.09.2022 before the respondents to remove the entries in the encumbrance certificate and restore the name of the petitioner in the said certificate, however, till date, no action was taken by the respondents. Hence, this writ petition.

4. Learned counsel for the petitioner would submit that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 01.09.2022 within a time frame that may be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondents would submit that he has no objection for the said direction being passed by this Court.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. In view of the above, this Court, directs the petitioner to present the order passed by the Debt Recovery Tribunal-II, Chennai in S.A.No.199 of 2020 dated 29.07.2022 before the respondents 1 & 2 for registration, within a period of two weeks from the date of receipt of a copy of this order. On such presentation of the said document, the respondents 1 & 2 are directed to entertain the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.

8. With the aforesaid direction, this writ petition is disposed of. No costs.

23.11.2022

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Index : Yes/No

Speaking Order : Yes/No

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