

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 01.07.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.3507 of 2020**

K.Berdal Bai

... Petitioner

Vs

1.The District Registrar
(Administration),
District Registrar's Office,
Tiruchirapalli District.

2.The Indian Bank,
Represented by its
Branch Manager,
Tiruchirapalli.

3.M/s.Vanguard Industries,
Represented by A.R.Navenraj,
Ancillary Development Estate,
Thiruverambur,
Tiruchirapalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to dispose of the representation of the petitioner, dated 30.11.2019 within the time frame as determined by this Court.



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For Petitioner : Mr.G.Mohankumar

For Respondents : Mr.M.Murugan,
Government Advocate for R-1.

Mr.Pala.Ramasamy for R-2.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned counsel appearing for the first respondent and the learned Standing counsel appearing appearing for the second respondent.

2. Though the third respondent has been served and his name is printed in the cause list, there is no appearance on their behalf.

3. It appears that one Panneer Selvam had availed loan from the second respondent Bank. A mortgage was also created. In the year 2009, the mortgage was redeemed and the discharge of mortgage was also duly registered. Two years later, the writ petitioner had purchased the property in question from the



daughter of the said Palanneer Selvam. Panneer Selvam is said to have gifted the property in the meanwhile. Thereafter, the second respondent brought the property to sale under the SARFAESI and the third respondent had purchased the property under the sale deed. The action taken by the second respondent had been challenged by the petitioner before the Debts Recovery Tribunal. S.A.No.462 of 2015 was pending on the file of the Debts Recovery Tribunal and interim injunction was granted in the said second appeal. Yet the third respondent had created further encumbrance by settling the property in favour of his mother and thereafter, he had taken power of attorney from his mother.

4. Since the issue is presently pending in the said SARFAESI appeal, I am not in a position to interfere beyond. However taking note of the overall facts and circumstances, particularly, the conduct of the third respondent in violating the interim order granted by the Tribunal, I direct the first respondent to issue directions to the registering authority to ensure that no further transaction in respect of the suit property takes place, till the disposal of the SARFAESI appeal by the Tribunal.



5. This writ petition stands disposed of accordingly. No costs.

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01.07.2022

Index : Yes / No
Internet : Yes/ No

PMU

To

1. The District Registrar
(Administration),
District Registrar's Office,
Tiruchirapalli District.
- 2.The Branch Manager,
Indian Bank,
Tiruchirapalli.



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G.R.SWAMINATHAN, J.

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