



W.P.(MD) No.28078 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.28078 of 2022

Fran Rapheal

... Petitioner

-Vs-

1.The Authorized Officer,

Punjab National Bank,

Circle SASTRA Centre Chennai South,

PNB Towers, Mezzanine Floor,

46-49RH Road, Chennai-600 014.

2.The District Registrar,

District Registrar Office,

Madurai North,

Integrated Complex of Registration Department,

TNAU Nagar, Rajakampeeram, Y.Othakadai,

Madurai-625 107.

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3.P.Savvas Hussain

4.D.Anbuselvan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent not to entertain any documents for registration in respect of the property in UDR Survey No.110/2A1B, UDR Survey No.110/2B1, Old Survey No.191/2 an extent of 5836 Sq.Fts in Paravai I Bit Village, Dindigul Main Road, Madurai North Taluk, Madurai District due to the pendency of S.A.No.30/2022, before the Debts Recovery Tribunal-II, Chennai by considering the petitioner's representation dated 21.10.2022 and for other such reliefs within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For R2 : Mr.N.Sathish Kumar,
Additional Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed, seeking issuance of a Writ of Mandamus, directing the 2nd respondent not to entertain any documents for registration in respect of the property in UDR Survey No.110/2A1B, UDR Survey No.110/2B1, Old Survey No.191/2 to an extent of 5836 Sq.Fts in Paravai I Bit Village,

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Dindigul Main Road, Madurai North Taluk, Madurai District, due to the pendency of S.A.No.30/2022, before the Debts Recovery Tribunal-II, Chennai, by considering the petitioner's representation dated 21.10.2022.

2.Mr.N.Sathish Kumar, learned Additional Government Pleader takes notice for the 2nd respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to other respondents is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, he borrowed a sum of Rs.1 Crore from the 1st respondent by executing memorandum of deposit of title deeds in favour of the Bank and the said mortgage deed is registered as Document No.1252/2018. Since the petitioner was unable to repay the loan amount, the 1st respondent issued possession notice dated 14.01.2020. Challenging the same, the petitioner has filed an appeal in S.A.No.30 of 2022 before the Debts



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Recovery Tribunal-II, Chennai. Pending the appeal, the 1st respondent sold the property in question to the respondents 3 and 4 through an auction and also issued sale certificate to them on 18.03.2022, which was also registered as Document No.1255 / 2022. Thereafter, since the respondents 3 and 4 were trying to alienate the property in question, the petitioner filed a private complaint in CrI.M.P.No.5501 of 2022 before the learned Judicial Magistrate, Vadipatti, wherein, the learned Judicial Magistrate, Vadipatti has passed an order dated 18.10.2022, directing the police official to conduct an enquiry and file a report within four weeks and register FIR, in case of any cognizable offence made out from the enquiry. In the meantime, the petitioner sent a representation dated 21.10.2022 to the 2nd respondent, requesting not to entertain any documents for registration in respect of the property in question. Since the same has not been considered till date, this Writ Petition is filed.

5.We have carefully considered the averments made in the affidavit filed in support of this petition as well as the submission made by the learned counsel for the petitioner.

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6.We are of the view that since the appeal in S.A.No.30 of 2022 is pending before the Debts Recovery Tribunal-II, Chennai, we are not inclined to entertain this Writ Petition. However, at this stage, the learned counsel for the petitioner submitted that the said appeal is now transferred to the Debts Recovery Tribunal-III, Chennai and it is suffice, if the said appeal is directed to be disposed of within a time frame. Therefore, we direct the Debts Recovery Tribunal-III, Chennai to dispose of the appeal in S.A.No.30 of 2022, on its own merits and in accordance with law, as expeditiously as possible taking note of the difficulty facing by the petitioner.

7.With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
20.12.2022

Index : Yes / No

Internet : Yes / No

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AND

R.VIJAYAKUMAR, J.

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To

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