



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2023

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.7915 of 2020

B.Hariprasad

.. Petitioner

Vs.

1.The Andhra Bank

Represented by its General Manager,
Head Office : 5-9-11, Dr.Pattabhi Bhavan,
Secretariat Road, Saifabad,
Hyderabad, Teleganan State, PIN – 500 004.

2.The Deputy General Manager,

Andhra Bank,
No.168, Linghi Chetty Street,
Chennai – 600 001.

3.The Assistant General Manager,

Andhra Bank,
No.168, Linghi Chetty Street,
Chennai – 600 001.

4.The Authorised Office (Zonal Office)

Andhra Bank,
No.168, Linghi Chetty Street,
Chennai - 600 001.

5.The Branch Manager,

Andhra Bank,



G.N.T.Road, Redhills, Chennai – 600 052.

6.M/s.Margadarsi Chits Private Limited,
No.6, Indian Chambers Building, 3rd Floor,
Esplanade (Parrys), Chennai – 600 108.

7.D.Hazarathaiah,
(R7 impleaded vide order dated 15.02.2021
made in W.M.P.No.20271 of 2020 in
W.P.No.7915/2020 by AQJ).

8.Sub-Registrar,
Sub-Registrar Office,
Madhavaram,
Chennai – 600 060.
(R8 impleaded vide order dated 10.01.2023
made in W.M.P.No.24002 of 2022 in
W.P.No.7915 of 2020 by CVKJ).

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 4th and 5th respondents to pay the outstanding dues to the 6th respondent which will enable the 6th respondent to raise the attachment orders prevailing over the property situated at Plot No.18, West Part, Swamy Nagar, comprised in Survey No.1395 (part) as per Patta Survey No.1395/13, Madhavaram Village, Ambattur Taluk, Thiruvallur District measuring an extent of 1,150, Square Feet or thereabouts together with Superstructure built thereupon and direct the 4th and 5th respondents to register the sale certificate encumbrance free in the manner known to law.



For Petitioner	.. Mr.R.Suresh Kumar
For R1 to R5	.. Mr.G.V.Anjaneya Babu
For R6	.. Mr.D.Shivakumaran
For R7	.. Mr.R.Anandkumar
For R8	.. Mr.U.Bharanidharan

Additional Government Pleader

ORDER

This writ petition has been filed in the nature of Mandamus seeking direction to the 4th and 5th respondent namely, the Authorised Officer (Zonal Office), Andhra Bank, Chennai and the Branch Manager, Andhra Bank, G.N.T.Road, Redhills, Chennai, to pay the outstanding dues to the 6th respondent which would enable the 6th respondent, Margadarsi Chits Private Limited, Chennai to raise the orders of attachment prevailing over the property at Plot No.18, West Part, Swamy Nagar, comprised in Survey No.1395 (part) as per Patta Survey No.1395/13, Madhavaram Village, Ambattur Taluk, Thiruvallur District measuring an extent of 1,150 Square Feet together with Superstructure built therein and consequently direct the



4th and 5th respondents to register the sale certificate without any encumbrance.

2.In view of the fact that a consequential relief was sought for registration of sale certificate, this Court had impleaded the Sub-Registrar, Madhavaram, by an order dated 10.01.2023 in W.M.P.No.24002 of 2022. Much earlier, the 7th respondent, D.Hazarathaiah, had been impleaded by an order dated 15.02.2021 in W.M.P.No.20271 of 2020 by my learned predecessor. He is a borrower of loan from the Andhra Bank, consequent to which the property had been brought to an auction. In the said auction, the petitioner was the successful bidder. The amount had been deposited by the petitioner with the 4th and 5th respondents. Naturally, since the petitioner had paid the entire amount, sale certificate will have to be registered in favour of the petitioner therein.

3.However, there was an order of attachment, consequent to an application made by the 6th respondent, Margadarsi Chits Private Limited. They are interested in ensuring that their amount is also not left out in the general distribution of the sale price given by the petitioner herein.



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4.To examine the issues in a little more detail, it is seen that the 4th respondent had called for an e-auction with respect to the aforementioned property, in which, the petitioner had participated and was declared as the successful bidder. The petitioner had deposited 25% of the sale price. Apart from that, the petitioner had also deposited the Earnest Money Deposit of Rs.6,88,000/-. The petitioner had paid a total sum of Rs.17,45,000/-.

5.However, owing to the attachment of the property, the sale certificate could not be presented for registration and it could not be registered by the impleaded 8th respondent. I am now informed that the attachment had been raised. Let the 4th and 5th respondents therefore, present the sale certificate before the 8th respondent, Sub-Registrar, Madhavaram and on presentation of sale certificate, if it is otherwise in order, the Sub-Registrar may make necessary entries, that the attachment order had been raised and proceed further to register the sale certificate in favour of the petitioner.



6.The other issue, which has to be addressed is about the amount which are payable to the 6th respondent and whether the 7th respondent has to be paid any amount. That is an issue for which the 6th and 7th respondents will have to produce their accounts independently to the 5th respondent, Branch Manager, and on satisfaction of the amounts, the Branch Manager may disburse the amounts either to the 6th respondent or to the 7th respondent or to anyone of them depending on the amount which is available.

7.I am also informed that a civil suit is pending. Necessary directions also be obtained from the Court where the suit is pending. At any rate, the sale certificate should be presented for registration on or before 28.02.2023.

8.With the above observations, this Writ Petition is disposed of. No costs.

06.02.2023

Index:Yes/No
Internet:Yes/No
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To



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No.6, Indian Chambers Building, 3rd Floor,
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7.The Sub-Registrar,

Sub-Registrar Office,
Madhavaram,
Chennai – 600 060.



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C.V.KARTHIKEYAN,J.

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