



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10575 of 2023

and

W.M.P.Nos.10508 & 10509 of 2023

K.S.Varadharaj

... Petitioner

Vs.

1.The Assistant Provident Commissioner,
Provident Fund Organization, Regional Office,
S1, TNHB, Phase III, Sathvachari,
Vellore 632 009.

2.The Sub Registrar,
Pallikonda.

3.Radhakrishnan Dharmarajan Liquidator,
Flora Footwear Pvt. Ltd.,
DW3, Block No.1, Triumph Apartments,
Jawaharlal Nehru Salai, Arumbakkam,
Chennai – 600 106.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 22.11.2021 of the 2nd respondent in Na.Ka.No.299/2021 and quash the same and consequently direct the 2nd respondent herein to forth with register the sale certificate dated 30.10.2021



in respect of the properties of an extent of 0.04 acres in S.No.450/2, 0.07 acres in S.No.451/4, 0.62 acres in S.No.497/3B, 1.24 acres in S.No.499/2A, 0.76 acres in S.No.497/3C, 0.89 acres in S.No.497/3A, 1.32 acres in S.No.499/2B in Kizhachur Village Pallikonda, Vellore Taluk.

For Petitioner	: Mr.L.Palani Muthu
For R1	: Mr.P.K.Paneer Selvam
For R2	: Mr.G.Krishna Raja Additional Government Pleader
For R3	: Mr.T.Ravichandran

ORDER

The order dated 22.11.2021 issued by the Sub Registrar, Pallikonda is under challenge in the present writ petition.

2. The petitioner presented a document for registration in respect of the subject property belonging to him. The Sub Registrar returned the document along with the impugned order on the ground that the property was attached by the competent authority under The Employee's Provident Funds and Miscellaneous Provisions Act, 1952. In respect of the attached property, the Registering Authority is empowered to refuse registration under Section 22-B



3. In the present case, the subject property has been attached by the Employee's Provident Fund Organisation in Number 9/2018 on 04.06.2018. Attachment made is in force as of now. Therefore, the petitioner is at liberty to deal with the property only after lifting of the attachment by the competent authorities.

4. The objections raised by the EPF authorities are recorded by the Sub Registrar concerned and there is no infirmity in respect of the order impugned. The documents falling under Section 52-A or 22-B of the Registration Act can be refused by the Registering Authority and in the present case, the subject property and the objections raised by the EPF Authorities are falling under Section 22-B of the Registration Act.

5. That being the factum, it is for the petitioner to initiate appropriate steps to lift the attachment order by clearing the dues of the EPF Association and thereafter, deal with the property in the manner known to law.



6. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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16.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1.The Assistant Provident Commissioner,
Provident Fund Organization, Regional Office,
S1, TNHB, Phase III, Sathvachari,
Vellore 632 009.

2.The Sub Registrar,
Pallikonda.



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S.M.SUBRAMANIAM, J.

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