



W.P.No.21563 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2023

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21563 of 2022

Saroja Swaminathan

...Petitioner

-Vs-

- 1.The Sub Registrar,
Anna Nagar Sub Registrar Office,
No.576, Mogappair West,
Ambattur Industrial Estate,
Chennai, Tamil Nadu – 600 037.
- 2.The District Registrar [Admin],
Office of the District Registrar,
Central Chennai.
- 3.The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai – 600 028.
- 4.Mahindra and Mahindra Finance Services Ltd.,
Registered Office at Gateway Building,
Apollor Bunder, Mumbai – 400 001.



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5.Kapiko Motors India Private Limited,
Old No.197, New No.309,
Poonamallee High Road, Kilpauk,
Chennai – 600 010.

...Respondents

[R4 & R5 impleaded as per order dated
05.04.2023 made in W.M.P.No.23874/2022]

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 19.07.2022 in Ref.No.எண்.8354/ஆ1/2022 passed by the second respondent by quashing the impugned order and further directing the first respondent to receive the sale deed dated 07.02.2022, refused to register by him by Refusal Order/Check Slip No.38 of 2022 and register the same in accordance with law.

For Petitioner	:	Mr.R.Manickavel
For R1 to R3	:	Mr.E.Sundaram Government Advocate
For R4	:	Mr.S.Namasivayam

ORDER

The order dated 19.07.2022 passed by the District Registrar is under challenge in the present Writ Petition.



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2. The petitioner presented a sale deed for registration, which was refused by the respondent on the ground that the subject property is under attachment in ARB Case No.Mahindra and Mahindra SME RB 5198 Lot 51 14. The arbitration proceedings are instituted at the instance of Mahindra and Mahindra Financial Service Ltd., and Kapico Motors India Private Ltd. When there is a statutory attachment in respect of the subject property, the registering authority refused to register the document and issued the impugned refusal check slip.

3. The learned counsel for the petitioner states that the petitioner has purchased the property on 24.08.2015. However, when the petitioner presented the document for registration, the attachment order was brought to the knowledge of the registering authority and thereafter, the impugned order has been passed.

4. Section 22B unambiguously states that the document relating to transfer of immovable property by way of sale, gift, lease or otherwise, which is attached permanently or provisionally by a competent authority



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under any Central Act or State Act, then the Registrar is empowered to refuse to register the documents and such documents are to be construed as prohibited by law.

5. That being the intent of Section 22B of the Registration Act, the petitioner has to represent the document only after lifting the attachment which was made at the instance of Mahindra and Mahindra Financial Service Ltd., and Kapico Motors India Private Ltd. When the attachment is in force, the refusal made by the registering authority is in consonance with the provisions of the Act and there is no infirmity as such.

6. Accordingly, the Writ Petition stands dismissed. No costs.

25.07.2023

Index: Yes
Neutral Citation: Yes/No
Speaking order
hvk



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S.M.SUBRAMANIAM, J.

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