



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22057 of 2023

and

W.M.P.No.21456 of 2023

1.Rajkumar Babu

2.Mahalakshmi

... Petitioners

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Coimbatore,
Collector Office Compound,
State Bank Road,
Coimbatore.

3.The Sub-Registrar,
Peelamedu,
No.83, 5th Cross Street,
Meena Estate, Sowripalayam,
Coimbatore.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records in Refusal Check Slip-38/2023 T.P.No.155961043/2023 dated 14.07.2023 by the 3rd respondent, and quash the same.



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For Petitioner : Mr.Harikrishnan.R
For Respondents : Mr.T.Venkateshkumar,
Special Government Pleader

ORDER

The Refusal Check Slip issued by the 3rd respondent / the Sub Registrar returning the Sale Deed presented by the writ petitioner for registration is under challenge in the present writ petition.

2. The petitioner states that one Mr.Saravanan Subburaj and Mrs.Dhanalakshmi are the absolute owners of the properties in Survey No.345 and 346/1, B3, 3rd Floor, Elysium Acropolis, Rajagopal Layout, Peelamedu, Coimbatore. After the death of Mr. SaravananSubburaj, his wife / Mrs.Dhanalakshmi inherited his property. The petitioner is the purchaser of the said property, who presented sale deed for registration. The registering authority verified the encumbrance and found that the subject property has already been attached by M/s.Cholamndalam Investment and Finance Company Limited in I.A.No.1 of 2023in ARC/CIFL/BL/1153. Since the property has been attached, the registering authority issued the impugned order of refusal.



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3. Section 22 (B)(iii) unambiguously stipulates 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 under any Central Act or State Act for the time being in force or any Court or Tribunal shall be refused by the Registrar for registration.”*

4. In the present case, the subject property has already been attached in I.A.No.1 of 2023 in an arbitration proceeding at the instance of M/s.Cholamandalam Investment and Finance Company Limited. Thus, the said attachment is to be lifted and thereafter the petitioner has to present the documents for registration.

5. The very purpose and object of the insertion of Section 22-B is to protect the interest of the statutory bodies and to realize the loan amounts or other investments made. In the event of permitting such registration, the same would cause greater prejudice to the interest of the financial institutions, Banks etc., and thus, this Court do not find any infirmity in respect of the order impugned passed by the registering authority. It is for the petitioner to lift the attachment or by settling the money due to the finance company and thereafter present the document in the manner known to law.



6. With these observations, the writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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