



WEB COPY

W.P.No.22320 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22320 of 2023

D.Sanjeeva

... Petitioner

Vs.

1.The District Registrar,
Thiruvallur,
Thiruvallur District.

2.The Sub Registrar,
Thiruvallur,
Thiruvallur District.

3.M/s.Hero Fincorp Ltd.,
No.34, Community Center,
Besant Lok, Vasant Vihar,
New Delhi – 110 057.

4.M/s.India Resurgence Arc Private Limited,
3rd Floor, Unit 304, Piramal Tower,
Peninsular Corporate Park,
Lower Parel, Mumbai – 400 013.

5.M/s.Elexa Resolution Advisors LLP,
The Executive Zone,
Shakthi Towers – 1, No.766,
Anna Salai, Chennai – 600 002.

6.D.A.Anbalagan

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 01.07.2023 and direct the 1st respondent to conduct a detailed enquiry in respect of discrepancies made in the Memorandum of Deposit of Title Deed in Document No.523/2018 registered at the office of the 2nd respondent and rectify the same within the stipulated time.

For Petitioner : Mr.S.C.Pratheep Ashok Kumart

For R1 and R2 : Mr.D.Ravichander
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the first respondent to consider the representation of the petitioner dated 01.07.2023 and direct the first respondent to conduct a detailed enquiry in respect of discrepancies made in the memorandum of deposit of title deed in Document No.523/2018 registered by the second respondent and rectify the same.

2.The petitioner was an auction purchaser under the SARFAESI Act. The third respondent Finance Corporation sold the property in favour of the writ petitioner through public auction. The petitioner found certain discrepancies in the Patta and the schedule in respect of the title deeds.



However, those documents were registered prior to the purchase of the writ petitioner through public auction under the SARFAESI Act. Thus the petitioner has to approach the third respondent Bankers to clarify the discrepancies or to rectify the same, as the case may be, for the purpose of conferring title on the petitioner based on the auction conducted. Contrarily this Court cannot direct the Bankers, Finance Companies or other authorities to conduct an enquiry in this regard and the Banker being the auctioneers has to look into the issues and do the needful, since the petitioner is the bonafide purchaser of property through public auction.

3. With these observations, the writ petition stands dismissed. No costs.

28.07.2023

Index : Yes/No
Speaking order/Non-Speaking Order
Neutral Citation : Yes /No
cse



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S.M.SUBRAMANIAM, J.

cse

To

1.The District Registrar,
Thiruvallur,
Thiruvallur District.

2.The Sub Registrar,
Thiruvallur,
Thiruvallur District.

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