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W.P.No.25122 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 19.09.2023**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.25122 of 2023**

Punjab National Bank  
represented by V.S. Sundara Raman  
Chief Manager cum Authorized Officer,  
SASTRA Centre, Bengaluru.

... Petitioner

Vs

1. The Sub-Registrar,  
Sub-Registrar Office,  
No.40, Gandhi Road, Hosur H.O.,  
Hosur – 635 109.
2. M/s. SLN Precision Auto Components,  
PAN No.ACIFS3382B,  
Represented by its Partner Mr.Gandhi Sathish  
& Mr.Gandhi Karthikeyan,  
Having office at #66, 1/406-18AI, SLV Nagar,  
Zuzuvadi Village, Hosur – 635 125.

... 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 in Refusal Check Slip issued by the 1<sup>st</sup> respondent Sub Registrar, Hosur vide Refusal number RFL/Hosur/66/2023 and quash the proceedings/Order dated 22.05.2023 passed by the first respondent Sub-Registrar, Hosur while directing the first Respondent Sub Registrar, Hosur to register the sale



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certificate dated 26.04.2023 executed by the petitioner in favour of the 2<sup>nd</sup> respondent, M/s. SLN Precision Auto Components, as per the sale made in consonance with the SARFAESI Act, 2002.

For Petitioner : Ms. Vinithra Srinivasan and  
Mr. Varun Srinivasan

For Respondent 1 : Mr. R. Ramanlaal,  
Additional Advocate General-IV,  
assisted by  
Mr. T. Venkatesh Kumar,  
Special Government Pleader

### **ORDER**

The Refusal Check Slip issued by the first respondent dated 22.05.2023 is under challenge in the present writ petition.

2. The petitioner is Punjab National Bank. The petitioner auctioned the secured assets to realise the loan dues from the defaulted borrower M/s.Srivari Metal Works Pvt Ltd. Auction sale notice was issued on 15.11.2022 and the public auction was conducted on 15.11.2022 itself. The second respondent was the successful bidder and paid the sale price and consequently, the petitioner bank issued sale certificate on 26.04.2022.

3. The sale certificate was presented for registration on 22.05.2023. The first respondent/ registering authority returned the document along with



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the impugned Refusal Check Slip on the ground that the subject property was provisionally attached by the Principal Sub Court, Hosur in O.S.No.409 of 2017. Since there was a provisional attachment, the sale certificate cannot be registered in view of section 22B of the Registration Act.

4. The registering authority is right in refusal of registration, since there is an expressed bar under section 22B of the Registration Act to register the sale certificate in the event of an attachment by the Court.

5. Learned counsel appearing on behalf of the petitioner bank now furnished a copy of the final judgment and decree passed by the Principal Sub Court, Hosur in O.S.No.409 of 2017. The provisional attachment was lifted and final decree was passed, directing the defendant to pay a sum of Rs.4,97,400/- with interest at the rate of 12 % per annum from the date of plaint till the date of decree and interest at the rate of 6% from date of decree till realisation. When the provisional attachment was lifted and a final decree was passed in the civil suit, there is no impediment for the registering authority to proceed with the registration.



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6. Learned Additional Advocate General raised an objection by stating that the copy of the judgment and decree was not communicated to the Sub Registrar by the Court. Therefore, the Sub Registrar had no occasion to consider the claim of the petitioner.

7. In this context, the Sub Registrar is not a party in the civil suit and therefore, the Sub Court has not communicated the certified copy of the judgment and decree of the Sub Court.

8. In view of the facts and circumstances, the petitioner is at liberty to produce the certified copy of the decree passed in O.S.No.409 of 2017 and on such production of the decree, the first respondent shall verify the genuinity of the same and accordingly, proceed with the registration by following the procedures contemplated under the Registration Act and complete the said exercise within a period of four weeks from the date of receipt of a copy of the decree from the petitioner.

9. Accordingly, the impugned Refusal Check Slip issued by the first respondent in proceedings RFL/Hosur/66/2023 dated 22.05.2023 is quashed and the writ petition stands allowed. No costs.

**19.09.2023**

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Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Sub-Registrar,  
Sub-Registrar Office,  
No.40, Gandhi Road, Hosur H.O.,  
Hosur – 635 109



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**S.M.SUBRAMANIAM, J.**

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