



WEB COPY



W.P.No.2590 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :23.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.2590 of 2019 and
W.M.P.No.2859 of 2019

M.Murugan

... Petitioner

Vs.

1. The Bank of Baroda,
Rep. by its Chief Manager,
Paramathi Road,
Namakkal Town,
2. The Joint Sub Registrar-II,
Namakkal Sub Registrar Office,
Mohanur Road,
Namakkal.
3. Muthumani Agro Farms
Rep. by its Managing Partner
M.Prakash,
S/o.C.Muthusamy,
15/35D3, 3rd Street,
Thillaipuram, Namakkal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of certiorari calling for the records pertaining to registration of Document No.3799/2018 on the file of the 2nd respondent and quash the same.



W.P.No.2590 of 2019

WEB COPY

For Petitioner : Mr.I.Abrar MD
Abdullah

For Respondents : Mr.M.Arun Kumar [R1]

Mr.M.Alagu Goutham,
GA [R2]

No Appearance [R3]

ORDER

This writ petition is filed seeking for issuance of a writ of Certiorari to quash the records pertaining to registration of Document No.3799/2018 on the file of the 2nd respondent.

2. It is the case of the petitioner that he is the proprietor of Murugan Poultry. In order to develop the said poultry, the petitioner borrowed a loan from the 1st respondent after executing an Equitable Mortgage on 11.12.2008. Since the petitioner suffered huge financial loss in his business, there was default in payment of the loan amount. Hence, the loan account became NPA on 31.07.2014, the Bank initiated Sarfeasi proceedings against the petitioner. One M.Prakash who is the partner of the 3rd respondent suggested to help the petitioner in maintaining the



W.P.No.2590 of 2019

WEB COPY

firm, for which he obtained signature from the petitioner in certain documents. Thereafter, the petitioner came to know that the third respondent has clandestinely obtained signature of the petitioner in the sale deed with regard to the petitioner's property without paying any sale consideration. Subsequently, the Bank granted No Objection Certificate for registration of the documents presented by the third respondent, based on which, the second respondent registered the documents Doc.No.3799/18, Joint Sub-Registrar -II, Namakkal presented by the third respondent. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submits that as against the registration of the aforesaid sale deed on the file of second respondent executed by the petitioner in favour of the third respondent, the petitioner filed another writ petition before this Court, which is pending adjudication. Hence, he prayed this Court to grant liberty to the petitioner to work out his remedy in the manner known to law.

4. On the above contentions heard learned counsel appearing



W.P.No.2590 of 2019

for respective respondents and perused the materials placed on record.

WEB COPY

5. Though the petitioner has filed the present writ petition seeking to quash the documents registered by the second respondent, the issue involved in the above writ petition pertains to disputed question of facts and the same cannot be entertained by this Court under Article 226 of the Constitution of India. Hence, this writ petition is disposed of with liberty to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

23.06.2023

(rap)

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No



W.P.No.2590 of 2019

To
WEB COPY

1. The Chief Manager,
The Bank of Baroda,
Paramathi Road, Namakkal Town,
2. The Joint Sub Registrar-II,
Namakkal Sub Registrar Office,
Mohanur Road, Namakkal.



WEB COPY



W.P.No.2590 of 2019

M.DHANDAPANI, J.

(rap)

W.P.No.2590 of 2019

23.06.2023