



W.P(MD)No.24880 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24880 of 2023

M/s.Emmanuel Engineering Private Limited,
Represented by its Director,
Jepjar James,
No.142, Parthasarathy Street,
Balajipalayam, Manali,
Chennai – 600 068.

... Petitioner

Vs.

1.The District Registrar,
Kokkirakulam,
Tirunelveli.

2.The Sub Registrar,
Sub Registration Office,
Vallioor,
Tirunelveli District.

3.Venkatesan

4.Jeba Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the second



W.P(MD)No.24880 of 2023

respondent to dispose of the representation of the petitioner dated 30.06.2023 within time frame that may be fixed by this Court.

For Petitioner : Mr.P.Jesumoris Ravi

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

Mr.T.Pon Ramkumar for R.3

ORDER

Heard both sides.

2. The petitioner wants to register the petition mentioned memorandum of deposit of title deeds. It is seen that the petitioner company underwent insolvency resolution process. Since the private respondents have raised objections, registration could not take place. The petitioner has therefore given a representation in this regard and wants the second respondent to consider and pass final order.

3. When the matter was taken up for hearing, the learned counsel appearing for the respondents 3 and 4 raised two fold objections. He points out that the original title documents are very much lying with the



W.P(MD)No.24880 of 2023

respondents 3 and 4 and that the very obtaining of Non Traceable Certificate is fraudulent. He further contended that the petitioner has filed MA No.226 of 2021 in MA No.276 of 2019 in TCP No. 385/1B/2017 before National Company Law Tribunal, Chennai Bench for directing the private respondents to hand over the original documents. The private respondents point out that having conceded before the Tribunal that the original documents are lying with the respondents 3 and 4 and that it should be handed over to the petitioner, it is not open to any person including the liquidator to make a claim that the documents are not traceable.

4. The learned Special Government Pleader appearing for the official respondents submits that as per Circular No.22482/C1/2022 dated 02.02.2023 issued by the Inspector General of Registration, an enquiry in such cases will have to be conducted by the District Registrar and not the registering authority. I consciously refrain from going into the merits of the matter. The learned Special Government Pleader submits that the enquiry is proposed to be held on by the second respondent on 04.12.2023.



W.P(MD)No.24880 of 2023

5. I direct the first respondent to hold an enquiry on the said date at 03.00 p.m. Neither the petitioner nor the respondents 3 and 4 will receive separate notices. The petitioner and the respondents 3 and 4 are directed to attend the said enquiry and they will not get any separate notices. On the said date, the first respondent shall hear both the parties and take a call. I consciously refrain from going into the merits of the matter. All the contentions and defenses of the petitioner are left open.

6. This writ petition is disposed of accordingly. There shall be no order as to costs.

21.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 27.11.2023.

To

1.The District Registrar,
Kokkirakulam,
Tirunelveli.

4/6



W.P(MD)No.24880 of 2023

2.The Sub Registrar,
Sub Registration Office,
Vallioor,
Tirunelveli District.



WEB COPY



W.P(MD)No.24880 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.24880 of 2023

21.11.2023