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W.P.(MD)NO.28580 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28580 of 2022

Anita Britto
Rep. by her Power Agent
M/s.Priyanka Arcade Ltd.,
Rep. By Managing Director,
Francis Bastiyan

... Petitioner

Vs.

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai – 600 028.
2. The District Registrar,
Cantonment,
Tiruchirappalli – 620 001.
3. The Joint-I Sub Registrar,
Court Campus,
Contonment, Trichy – 620 001,
Tiruchirappalli.
4. The Manager,
State Bank of India,
Trichy Main Branch,
SME Branch,
Tiruchirappalli -2.

5. L.Gnanaraj

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to conduct an enquiry, under the provisions of section 77A of the Registration Act, 1908 for cancelation of the Memorandum of Deposit vide Document No.1815/2016 dated 19.02.2016, within the time stipulated by this Court, based on the representation of the petitioner dated 08.12.2022.

For Petitioner : Mr.B.Prasanna Vinoth

For R-1 to R-3 : Mr.S.Shanmugavel,
Additional Government Pleader.

For R-4 : Mr.N.Dilip Kumar,
Standing Counsel.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3 and the learned Standing counsel appearing for the fourth respondent.

2. The fifth respondent is not represented.



3. The prayer made in the writ petition is for conducting enquiry under Section 77A of the Registration Act for cancelling the petition mentioned document. The petition mentioned document was registered on 19.02.2016. Vide order dated 02.01.2023 in W.P.(MD)No.6947 of 2019 (E.Geetha Helan Alexandria and Others Vs. The Joint Sub Registrar No.II, Dindigul and Others), I had held that Section 77A of the Registration Act will not retrospectively apply. The petitioner can very well raise all her contentions and objections in the pending SARFAESI proceedings.

4. Leaving open all the rights of the petitioner, this writ petition stands dismissed. No costs.

31.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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To:

1. The Inspector General of Registration,
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G.R.SWAMINATHAN,J.

PMU

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