



W.P(MD)No.28064 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28064 of 2023

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... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Pattinapakkam,
Chennai-600 028.

2.The District Registrar,
Office of the District Registrar,
No.1A, Thiruppathur Road,
Sivagangai.

3.The Sub-Registrar,
Sub Registrar Office,
C99, Madurai-Mandapam High Road,
Thiruppuvanam,
Sivagangai District.

4.The Authorized Officer,
Asset Reconstruction Company (India) Limited (ARCIL),
The Ruby, 10th Floor,
No.29, Senapati Bapat Marg,
Dadar West, Mumbai-400 028,
Maharashtra.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned check slip vide Refusal No.



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RFL/Thiruppuvanam/20/2023 dated 17.11.2023 issued by the 3rd respondent and quash the same as illegal and consequently, direct the 3rd respondent to forthwith register the Sale Certificate Document in respect of properties comprised in S.Nos. 46, 47/5, 47/6, 47/7, 47/1, 47/3, 252/2, 15/2, 15/1, 03/1, 233/2, 51/2, 54/4, 54/6, 40/2, 41/2, 47/4, 44/4A, 58/10, 44/3, 251/3, 38/2, 244/4, 59/4, 54/6, 54/8, 54/3, 210/2, 195/2E, 211/2, 237/3, 54/1, 39/2, 237/3, 210/2, 192/2E, 39/2, 59/2, 210/1B, 215/1, 216/4, 237/5, 58/8, 59/2, 248/5B, 245/4B, 7/2, 215/9, 216/5, 247/2, 248/5A, 2/1, 2/2, 238/4B, 238/5, 240/1, 240/2, 240/7, 278/1, 36/4, 210/1, 53/1, 251/2, 42/2, 215/8, 216/2, 248/3A, 248/3B, 248/3B, 244/2, 2/3 to the total extent of 84.46 acres of lands situated at Keelarangiyam Village, Melarangiyam Group, Marakulamvayal Village, Manamadurai Taluk (Now Thiruppuvanam Taluk), Sivagangai District.

For Petitioner : Mr.P.Saravana Kumar

For Respondent : Mr.M.Siddharthan

Additional Government Pleader for R1 to R3

: Mr.R.Murali for R4

ORDER

Heard both sides.

2. The 4th respondent herein sold the petition mentioned property to the petitioner under SARFAESI Act on 27.01.2023. It was the subject matter of O.S.No.379 of 2014 on the file of the Debts Recovery Tribunal-3, Chennai. Indian Overseas Bank was the original applicant before the Debts Recovery Tribunal. One Thirumalairaj and Vellaidurai had entered into a mortgage transaction with IOB by executing memorandum of deposit of title deeds.



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Document No.705 of 2008 was executed by Vellaidurai. Document No. 240/2008 was executed by Thirumalairaj. Thereafter, the two borrowers had executed the settlement deeds and sale deeds. That was subsequent in point of time. When the sale certificate was presented by the petitioner for registration, the registering authority / R3 called upon the petitioner to set right the earlier entries and thereafter re-present the sale certificate. There upon, the petitioner approached the Debts Recovery Tribunal-3, Chennai. The Debts Recovery Tribunal-3, Chennai, vide communication dated 11.07.2023 called upon the registering authority to register the property in the name of the petitioner. The Debts Recovery Tribunal, Chennai took serious exception to the other offending entries referred to in the refusal check slip issued by the registering authority. In order to satisfy my conscience, I went through the sequence of events. It is too obvious that the offending entries were created subsequent in point of time. That is why, the Debts Recovery Tribunal-3, Chennai rightly called upon the third respondent to ignore the same and register the property in the name of the petitioner herein.

3. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the sale certificate. The same will be received, registered and released it subject to fulfillment of usual formalities.



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G.R.SWAMINATHAN, J.

rmi

4. The Writ Petition is allowed. No costs.

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Index : Yes / No

Internet : Yes/ No

rmi

To

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