



WP.No.354 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2024

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

WP.No.354 of 2018

M/s.Cholamandalam Investment and Finance Company Limited,
Registered Office at no.2,
1st Floor, Dare House, N.S.C.Road,
Parrys, Chennai-600 001
rep. by its Manager Legal,
Mr.R.Sivakumar.

.. Petitioner

Versus

1.The Inspector General of Registration,
no.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
3rd Floor, Collectorate,
Salem.

3.The Sub-Registrar,
Salem West Joint-I Registrar Office,
Salem.

4.Mr.K.Narendrakumar,
187, Tamilsangam Road, Rajaram Nagar,
Hasthampatty, Salem -636 007.

5.Ms.N.Rinku,
187, Tamilsangam Road, Rajaram Nagar,
Hasthampatty, Salem -636 007.



WP.No.354 of 2018

6. Mr.K.Suthar Hasmukh,
187, Tamilsangam Road, Rajaram Nagar,
Hasthampatty, Salem -636 007.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the third respondent herein to hand over the registered Sale Deed in document no.1068 of 2016 executed by Mr.R.K.Selvam in favour of the respondents 4 & 6, to the petitioner.

For Petitioner : Mr.N.Ponraj
For Respondents : Mr.P.Sathish, AGP

ORDER

This Writ Petition is filed seeking for issuance of a Mandamus, to direct the third respondent herein to hand over the registered Sale Deed in document no.1068 of 2016 executed by Mr.R.K.Selvam in favour of the respondents 4 & 6, to the petitioner.

2. It is the case of the petitioner that the respondents 4 to 6 approached the petitioner to extend the finance facility on security being created by mortgage by deposit of title deeds of an immovable property. Accordingly, the petitioner disbursed the loan amount of Rs.28,00,000/- to the respondents. 4th respondent is the main applicant while the respondents 5 and 6 are the co-applicants. Pursuant to the same, the 4th respondent had deposited the title



WP.No.354 of 2018

deeds pertaining to the immovable property.

WEB COPY

3. While so, according to the petitioner, the respondents 4 to 6, having availed the loan, committed default in payment of instalments. The grievance of the petitioner is that on disbursement of the loan amount, the seller Mr.R.K.Selvam, executed the sale deed in favour of the respondents 4 and 6, who created mortgage of the property in favour of the petitioner and thereby, they have to hand over the original sale deed to the petitioners. However, till date, the registered original sale deed was not handed over to the petitioner. Therefore, the petitioner made a representation to the respondents 1 to 3 to hand over the registered sale deed executed by Mr.R.K.Selvam in favour of the respondents 4 and 6, to the petitioner. Since no action is forthcoming, the petitioner has filed the present Writ Petition, seeking a direction to the 3rd respondent to hand over the registered sale deed to the petitioner.

4. It is pertinent to note that the petitioner had already initiated arbitral proceedings before a Retired District Judge, who acted as a Sole Arbitrator and also passed the award on 31.03.2017 in favour of the petitioner. Merely because the petitioner advanced certain amount to the respondents 4 to 6 to purchase the property, the petitioner cannot seek a direction to the 3rd



WP.No.354 of 2018

respondent to hand over the registered sale deed which was executed by one

Mr.R.K.Selvam in favour of the 4th and 6th respondents and in respect of the said sale deed, the petitioner is not a party before the 3rd respondent. Therefore, the prayer sought for by the petitioner cannot be granted. Having obtained the Award through the learned Arbitrator, the petitioner can work out their remedy in the manner known to law.

5. In fine, I do not find any merit in the Writ Petition to entertain the same. Accordingly, this Writ Petition stands dismissed. No costs.

10.04.2024

dn

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

1.The Inspector General of Registration,
no.100, Santhome High Road,
Chennai-600 028.

2.The District Registrar,
3rd Floor, Collectorate,
Salem.

3.The Sub-Registrar,
Salem West Joint-I Registrar Office,
Salem.

<https://www.mhc.tn.gov.in/judis>



WEB COPY



WP.No.354 of 2018

N. SATHISH KUMAR, J.

dn

W.P.No.354 of 2018

10.04.2024