



WEB COPY



WP.No.11400 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11400 of 2021

1.M/s.Thambiyannan Silvers
Rep by its Proprietor Mr.Ashik Mohamed
No. 9/302, East Car Street, Avinashi
Tirupur, Tamil Nadu- 641 654.

2. Asset Reconstruction Company (India) Limited
Rep. by its Authorised Signatory
Ms. Manjula Balaji
The Ruby, 10th Floor, Senapati Bapat Marg
Dadar (West), Mumbai- 400 028

.. Petitioner

Versus

1. Office of the Sub - Registrar
Mettupalayam
Rep by the Sub-Registrar
No.217, Coimbatore Main Road
Near Bus Stand, Mettupalayam
Coimbatore District
Tamil Nadu - 641 301.

2.The Tahsildar, Mettupalayam
Mettupalayam Taluk,
Coimbatore District
Tamil Nadu - 641301.

3. The Village Administrative Officer
Sikkarampalayam, Mettupalayam Taluk
Coimbatore District
Tamil Nadu - 641 030.



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4. Golden Fries Limited
No.68, P and T Colony
Kavundampalayam, Coimbatore
Coimbatore District
Tamil Nadu – 641 030.

5. T.Stanes and Company Limited
No.8/23-24, Race Course Road
Coimbatore, Coimbatore District
Tamil Nadu - 641 018.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent in issuing the impugned Refusal Check slip dated 04.03.2021 bearing no. RFL/Mettupalayam/11/2021 and quash the same as illegal and arbitrary and direct the 1st Respondent to register the sale certificate date 04.03.2021 in favour of the 1st Petitioner.

For Petitioner : Mr.Anirudh Krishnan

For Respondents : Mr.J.Ravindran, AAG
assisted by Mr.Yogesh Kannadasan
Special Government Pleader for R1 to R3

No appearance for R4

Ms.Kadambari Suresh
for Mr.S.V.Pravin Rathinam for R5

ORDER

Challenge has been made as against the refusal checkslip dated 04.03.2021 mainly on the ground that there is an attachment in the execution proceedings in E.P.No.9 of 2011.



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2. Heard both sides and perused the materials placed on record.

3. By consent of both parties, this writ petition is taken up for final disposal.

4. At the outset, this Court is of the view that mere attachment cannot be a ground to refuse to register the document. Any sale whatsoever made in respect of the attached property, such sale is void only as against the claims enforceable under the attachment. Such view of the matter, the registering authorities cannot refuse to register the document.

5. Accordingly, the impugned refusal checkslip dated 04.03.2021 stands quashed and the first respondent is directed to register the sale certificate dated 04.03.2021 within a period of one month from the date of receipt of a copy of this Order.

6. In view of the above, this writ petition stands allowed. No costs.

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

:Yes/No



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N. SATHISH KUMAR, J.

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To,

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