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WP.No.33493 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.33493 of 2023 & WMP.No.33330 of 2023

Ashishkumar Bhatt

.. Petitioner

Versus

1. The Sub Registrar,
T.Nagar, Fanepet, Nandanam, Chennai – 600 035.

2. The Authorised Officer,
M/s.Karur Vysya Bank Limited,
Asset Recovery Branch, No.1 Padmavathyiyar Road,
Gopalpuram, Chennai – 600 086.

3. The Assistant Director,
Directorate of Enforcement,
3rd Floor, C Block, Murugesu Naicker Complex,
84, Greems Road, Chennai – 600 086.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, Call for the records of the 1st Respondent relating Refusal Check slip dated 18.08.2023 issued under reference RFL / Thiyagaraya Nagar / 45 / 2023 refusing to register the Sale Certificate dated 18.08.2023 issued by the 2nd Respondent in favour of the petitioner and to quash the same and to consequently direct the 1st respondent to register the said sale certificate dated 18.08.2023 issued by the 2nd respondent in favour of the petitioner relating to the immovable property more fully and particularly described in the schedule.



WP.No.33493 of 2023

For Petitioner : Mr.R.Umasuthan
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
Mr.A.Arunbabu – R2
Mr.P.Sidharthan – R3

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed challenging the Refusal Check slip dated 18.08.2023 of the first respondent refusing to register the Sale Certificate dated 18.08.2023 issued by the second Respondent in favour of the petitioner and quash the same and to consequently direct the first respondent to register the said sale certificate dated 18.08.2023 issued by the second respondent in favour of the petitioner.

3. Heard learned counsel for the petitioner and the learned Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the first respondent, Mr.A.Arunbabu, learned counsel for the second respondent and



WP.No.33493 of 2023

WEB CAM

Mr.P.Sidharthan, learned counsel for the third respondent and perused the materials available on record.

4. The case of the petitioner is that the petitioner purchased the subject property in the e-auction held on 01.08.2023 conducted by the second respondent and the second respondent has also issued sale certificate to the petitioner. The grievance of the petitioner is that when the petitioner presented the sale certificate before the first respondent for registration, the same was refused to be registered on the ground that there is provisional Order of attachment issued by third respondent vide Order dated 30.06.2022. Hence, the present Writ Petition has been filed.

5. The first respondent filed a counter stating that since there was attachment by the Enforcement Directorate, the property cannot be registered. The third respondent, Enforcement Director has filed a counter, wherein it is stated as follows :

“3. The third respondent submit that on perusal of the complaint and property attached under PAO No.08/2022 and PAO No.06/2023, the subject property covered in the



WP.No.33493 of 2023

above writ petition is not attached by the third respondent.

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4. This Hon'ble Court may please to take this reply on record and pass appropriate Order as this Hon'ble Court may deem fit and thus render justice.”

6. The Order of attachment also indicate that in Item No.3 namely Door No.29/1 to 29/12 only 3 items of the property has been attached by an Order dated 30.06.2022 in the Enforcement Directorate. What was refused to be registered by the registration authority is the sale certificate dated 18.08.2023. The subject property of attachment is covered under common settlement. Since the present property sought to be registered also came through the settlement deed, the registering authority misunderstood and passed the Order refusing to register the sale certificate. Now the third respondent filed a counter stating that the subject property is not in attachment.

7. In such view of the matter, there shall be a direction to the first respondent to register the sale certificate dated 18.08.2023 within a period of one month from the date of receipt of a copy of this Order.



WP.No.33493 of 2023

WEB COPY

8. With the above direction, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

18.04.2024

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

1. The Sub Registrar,
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2. The Authorised Officer,
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WP.No.33493 of 2023

N. SATHISH KUMAR, J.

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W.P.No.33493 of 2023

18.04.2024