



WEB COPY



W.P.No.36817 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.36817 of 2024

R.Vittal Rajan

... Petitioner

Vs.

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Chennai.
2. The District Registrar,
Office of the District Registrar of Tambaram,
47/8, West Tambaram, Tambaram,
Chennai – 600 045.
3. The Sub-Registrar,
Office of the Sub-Registrar of Guduvancherry,
Guduvancherry,
Chennai – 603 202.
4. Indian Bank,
Tambaram East Branch,
Represented by its Authorized Officer and
Chief Manager,
Mrs.K.V.Sumathi, (AADHAR No.6314 1496 8797),
No.4, Bharatha Matha Street, East Tambaram,
Chennai – 600 059.

... Respondents



W.P.No.36817 of 2024

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents 1 to 3 herein to delete the illegal encumbrance entered in my property, the Detailed Description of the Property is

Item:1-

All the piece of land ad-measuring extent of 60 cents in S.No.144/4 and land measuring 14.70 cents (Northern Side) out of 29 cents in S.No.146/1B totally 74.70 cents, with industrial building constructed thereon at Door No.2/264, Mambakkam – Medavakkam Main Road, Mambakkam Village, Chengalpet Taluk, Kancheepuram District. Now Vandalur Taluk, Chengalpattu District,

Bounded by : (For land measuring 60 cents in S.No.144/4)

North : Land in S.No.146 part

South : Land in S.No.144/2

East : Land in S.No.146/1B

West : Land in S.No.144/2 and 144/3

Bounded by : (For land measuring 14.70 cents (Northern side) in S.No.146/1B

North : Land in S.No.146/1A

South : Land belonging to Mrs.M.Cynthia in S.No.146/1B

East : Land in S.No.145, Panchayat Road leading to Mambakkam

West : Land in S.No.144/4 and 144/2

Item:2-

All that piece of vacant land admeasuring 35 cents at S.No.144/3 at Mambakkam Village, Chengalpattu Taluk, Kancheepuram District, Now



W.P.No.36817 of 2024

Vandalur Taluk, Chengalpattu District.

WEB COPY

For Petitioner : Mr.C.V.Vijaykumar

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

Mr.B.Vijay, learned Additional Government Pleader takes notice on behalf of the Respondents.

2. The Petitioner has invoked the jurisdiction of this Court under Article 226 of the Constitution of India seeking a Mandamus to the Respondents 1 to 3 to delete the illegal encumbrance entered in respect of the Petitioner's property.

3. The case of the Petitioner is that the Petitioner was a successful bidder in a Public Auction held pursuant to E-auction Sale Notice dated 25.07.2023 issued under the Sarfaesi Act by the 4th Respondent herein. The Petitioner had offered a total sum of Rs.10,70,80,000/- in the auction held on 28.08.2023 and therefore, the bid was knocked off in his favour. The 4th Respondent had issued a Sale Certificate dated 03.10.2023 complying



W.P.No.36817 of 2024

with Sub Rule (6) to Rule 9 of Security Interest Enforcement Rules. The Petitioner along with the authorized officers had submitted the Sale Certificate had also paid the Stamp Duty, Registration Charges and other charges in favour of the 3rd Respondent herein, however the 3rd Respondent kept it pending. The Deed was thereafter registered but the documents were not released to the Petitioner. The Petitioner would submit that he was shocked that an encumbrance that has been entered by the Sub-Registrar, Guduvanchery on 12.10.2023 in favour of the Petitioner. The Petitioner would submit that the entry of encumbrance was in the form of attachment made in favour of one Mr.Duke Stephen Gnanaraj and Mrs.Sugirtha Prem Kumar by virtue of an Order passed by the learned Arbitral Tribunal. The Petitioner would submit that the Sub-Registrar, Guduvanchery had demanded deficit stamp duty and registration charges which was also paid and the receipt issued to the Petitioner on 20.05.2024. Ultimately, the registered documents was returned to the Petitioner in the month of May 2024. The Petitioner issued a Legal Notice to the Respondents 1 to 3 seeking deletion of the illegal encumbrance entry in respect of the property. However, the Respondents having not considered same, the Petitioner is before this Court.



W.P.No.36817 of 2024

4. Heard the learned counsel on either side and peruse the materials available on records.

5. Admittedly, the property had been brought to sale by a secured creditor on 28.08.2023 and the Petitioner was the successful bidder. The Sale Certificate was issued to him on 03.10.2023 which has been presented before the Sub-Registrar Guduvanchery on 04.10.2024. Despite knowledge of the sale in favour of the Petitioner, the Sub-Registrar Guduvanchery, the 3rd Respondent has made an endorsement on 12.10.2023. The 3rd Respondent has totally ignored the Sale Certificate that had been presented to him on 04.10.2024. Further, the sale has been conducted by a secured creditor and therefore, his right is superior to that of a subsequent order passed by the Arbitral Tribunal and that too as the Order of the Tribunal is after the sale by the secured creditor. Therefore, the Writ Petition is allowed by directing the Respondents to delete the said entry within a period of four (4) weeks from the date of receipt of a copy of this Order. No costs.

06.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



WEB COPY



W.P.No.36817 of 2024

P.T.ASHA, J.

rgm

To

1. The Inspector General of Registration,
Office of the Inspector General of Registration,
100, Santhome High Road,
Chennai.
2. The District Registrar,
Office of the District Registrar of Tambaram,
47/8, West Tambaram, Tambaram,
Chennai – 600 045.
3. The Sub-Registrar,
Office of the Sub-Registrar of Guduvancherry,
Guduvancherry,
Chennai – 603 202.
4. Indian Bank,
Tambaram East Branch,
Represented by its Authorized Officer and
Chief Manager,
Mrs.K.V.Sumathi, (AADHAR No.6314 1496 8797),
No.4, Bharatha Matha Street, East Tambaram,
Chennai – 600 059.

W.P.No.36817 of 2024

06.12.2024