



W.P(MD)No.4062 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.03.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**WP(MD)No.4062 of 2024**

Punjab National Bank,  
Rep.by its Chief Manager,  
Circle Sastra,  
PNB House, BHEL complex,  
Kalasapuram, Thanjavur Road,  
Trichy.

... Petitioner

**Vs.**

1.The District Registrar, Madurai South, Madurai.

2.The Sub Registrar,  
Pothumbu Sub Registrar Office, Madurai.

3.Ramesh

4.Ilango

5.N.Nagarajan

6.Shriram Transport Finnce Limited,  
No.74, ADR Towers, 3<sup>rd</sup> Floor,  
P.P.Road, Kalavasal, Madurai – 625 006.

... 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 relating to the impugned order of the second respondent dated 16.11.2023 issued in Refusal No.RFL/pothumbu/229/2023 and quash the same and consequently direct the second respondent to register the sale certificate in favour of the third and fourth respondent.



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For Petitioner : Mr.C.Deepak

For Respondents : Mr.S.Shanmugavel,  
Additional Government Pleader for R1 and R2

Mr.M.O.Thevankumar for R3 and R4

### **ORDER**

Heard both sides.

2.The petitioner is a bank. The fifth respondent availed loan from the petitioner-bank. Mortgage was created on 22.05.2019. The fifth respondent committed default. The petitioner brought the property to auction sale. The petitioner had invoked the provisions of SARFAEASI Act. The third and fourth respondents have purchased the property. The sale certificate was presented for being filed before the second respondent. It appears that the fifth respondent had availed loan from the sixth respondent also. The sixth respondent initiated arbitral proceedings. Pursuant to the same, attachment order was passed. It was also entered in the encumbrance register. Citing this attachment order, the sale certificate is not being registered. That led to the filing of this writ petition.



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3.It is well settled that as secured creditor the petitioner bank has priority under Section 31B of the SARFAEASI Act. In this view of the matter, the impugned refusal check slip is quashed. The petitioner is permitted to re-present the sale certificate. The second respondent shall receive the same, register and release it subject to the fulfilment of the other usual formalities.

4.This writ petition is allowed. No costs.

**26.03.2024**

NCS : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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**G.R.SWAMINATHAN, J.**

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