



W.P.(MD)No.8753 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.8753 of 2023

M/s.The Karnataka Bank Ltd.,
rep. By its Authorised Officer / Chief Manager

... Petitioner

Vs

1. The Sub Registrar,
Office of the Sub Registrar, Woraiyur,
Trichy District 620 017.

2. B.Baskaran

3. M/s. Dhanalakshmi Srinivasan Chit Funds Private Limited,
Represented by its Branch Manager,
75 - M, Salai Road, Ramlinga Nagar, Woraiyur,
Tiruchirappalli, Tamil Nadu 620 003.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to register Sale Certificate, dated 07.12.2022 issued in favour of Smt. K.Kanimoli, W/o. Senthilkumar and to delete the Attachment dated 02.09.2015 in Document No. 30/2015 and Attachment dated 25.03.2022 in Document No. 16/2022 created by the Respondents in respect of property in Trichy District, Pughur Village, Ammayappa Nagar Main Road, Survey No. 79/3, Flat No. II A, with all rights attached to it.



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For Petitioner : Mr.C.Babu
For Respondents : Mr.P.Subbaraj (R1)
Special Government Pleader
No Appearance (R3)

ORDER

This Writ Petition has been filed seeking a direction to the 1st respondent to register Sale Certificate, dated 07.12.2022 issued in favour of Smt. K.Kanimoli, W/o. Senthilkumar and to delete the Attachment dated 02.09.2015 in Document No. 30/2015 and Attachment dated 25.03.2022 in Document No. 16/2022 created by the Respondents in respect of property in Trichy District, Pughur Village, Ammayappa Nagar Main Road, Survey No. 79/3, Flat No. II A, with all rights attached to it.

2.Heard Mr.N.S.Karthikeyan, learned counsel appearing for the petitioner, Mr.P.Subbaraj, learned Special Government Pleader appearing for R1. Perused the materials available on record.

3.The case of the petitioner is that the second respondent has executed mortgage by depositing title deeds of the subject property on 01.02.2010, as he defaulted, the proceedings initiated under SARFAESI Act and the property has



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been brought for sale to one Kanimoli in public auction. When the Sale Certificate was presented for registration, the same was refused citing the encumbrance of attachment, dated 02.09.2015 and attachment, dated 25.03.2022. Hence, this writ petition has been filed seeks a direction.

4.The learned Special Government Pleader appearing for the respondents submitted that the Sale Certificate has not been produced through on-line and if the same is produced and presented, the same will be registered as per law.

5.It is relevant to note that the mortgage has been created in favour of the petitioner on 12.11.2010. The very attachment itself is subsequent to the mortgage. Hence, the Secured Creditor has every right.

6.In view of the above, the petitioner is directed to present the Sale Certificate within a period of one week from the date of receipt of copy of this order. On receipt of the same, the first respondent has to register the same within a period of one week, thereafter.



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7. With the above directions, this writ petition stands disposed of.

No costs.

03.09.2024

NCC : Yes/No
Index : Yes/No
PNM

To
1. The Sub Registrar,
Office of the Sub Registrar, Woraiyur,
Trichy District 620 017.



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N.SATHISH KUMAR, J.

PNM

ORDER IN

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