



W.P(MD)No.18197 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2024

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

W.P(MD)No.18197 of 2024

State Bank of India,  
Stressed Asset Recovery Branch,  
No.377/1, Dr.Nanjappa Road,  
Coimbatore-641 018  
Rep. by its Chief Manager

... Petitioner

Vs.

1.The Registrar,  
SRO, Melakarur,  
Karur District.

2.V.Muthusamy

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to register the sale certificate if presented by the petitioner bank in favour of auction purchaser not with standing the attachment order dated 13.02.2021 and 12.03.2024 passed in OS No.119 of 2020 by Principal District Court, Karur or any other suitable direction.

For Petitioner : Mr.M.L.Ganesh

For Respondents : Mr.Veera Kathiravan  
Additional Advocate General  
assisted by  
Mr.R.Ragavendran  
Government Advocate for R1



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## **ORDER**

Heard the learned counsel for the petitioner and the learned Additional Advocate General assisted by learned Government Advocate for R1.

2. The petitioner's case is that even though the secured asset was sought to be brought to sale on quite a few occasions, it did not yield any response in view of the attachment of the property made in O.S.No.119 of 2020 on the file of the Principal District Court, Karur. The petitioner's counsel is right in his contention that if an auction sale takes place under SARFAESI proceedings, it will have priority and any sale certificate to be issued will have to be filed or registered by the registering authority. This contention is well founded. But as rightly pointed out by the learned Additional Advocate General, when the property had not been sold, the question of this Court entertaining the writ petition does not arise. The writ petition has been prematurely filed.

3. With the aforesaid observation in favour of the petitioner, the Writ Petition is dismissed. No costs.

**01.08.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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To

The Registrar,  
SRO, Melakarur,  
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**G.R.SWAMINATHAN, J.**

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