



WP(MD). No.23046 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 27/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.23046 of 2024

1. P. Ramesh,

2. K.Elango

... Petitioners

Vs

1. The District Registrar,
Madurai South,
Madurai..

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

3. The Punjab National Bank,
Rep. by its Chief Manager,
Circle Sastra,
Pnb House, Bhel Complex,
Kalasapuram, Thanjavur Road,
Trichy..

4. N.Nagarajan,
Plot No. 14 Park Town,
4th Street Extension,
Ramalinga Nagar,
Anaiyur, Madurai - 625017..



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5. Shriram Transport Finance Li,
Mited, No.74, Adr Towers, 3rd Floor,
P.P.Road, Kalavasal,
Madurai – 625006..

... Respondents

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 2nd respondent to delete the encumbrance entry created by the 5th respondent dated 17.02.2020 with respect to the property of the land and building comprised in S.Nos. 37/1B and 37/2 measuring an extent of 2400 Sq. ft in Plot No. 14, Park Town 6th Street, New Ward No. 4 of Anaiyur, Madurai District (Madurai Corporation Limit).

For Petitioner : M/s.Thevan Kumar.M.O.,
For Respondent : Mr.P.Subbaraj for R1 &R2
Special Government Pleader
Mr.C.Deepak for R3

ORDER

By consent of both sides, the writ petition itself is taken up for final disposal at the stage of admission itself.

2. The writ petition has been filed for a mandamus directing the 2nd respondent to delete the encumbrance entry created by the 5th respondent dated 17.02.2020 with respect to the property of the land and building comprised in S.Nos. 37/1B and 37/2 measuring an extent of 2400 Sq. ft

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in Plot No. 14, Park Town 6th Street, New Ward No. 4 of Anaiyur,
Madurai District (Madurai Corporation Limit).

3. It is the case of the petitioner that the petitioners are the successful bidder in a public auction conducted by the third respondent in SARFAESI proceedings and sale certificate was issued in favour of the petitioners and the same has to be registered. However, at the instance of the 5th respondent, in arbitration proceedings, there was an attachment order passed on 17.02.2020. The same is also reflected in the loan transaction and the encumbrance certificate. Hence, according to him, the entry has to be removed, otherwise, prejudice would be caused to them. In order to remove the said entry, the petitioners are before this Court for the aforesaid direction.

4. I have considered the rival submissions and perused the materials available on record.

5. As the petitioners' right has been crystallized, they have become the successful purchaser and sale certificate was also issued in a



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SARFAESI proceedings, any attachment order is always subject to the prior charge created in favour of the bank by way of registered mortgage.

Therefore, the petitioners' apprehension that they may not get their right is ill-founded. Accordingly, the writ petition is disposed of. No costs.

27.09.2024

RR

TO

1. The District Registrar,
Madurai South,
Madurai..
2. The Sub Registrar,
Pothumbu Sub Registrar Office,
Madurai..



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N.SATHISH KUMAR,J

RR

**ORDER
IN
WP(MD) No.23046 of 2024**

Date : 27/09/2024