



W.P(MD)No.27564 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.27564 of 2023

Balakumar

...Petitioner

Vs.

1.The District Registrar (Administration),
Trichy District.

2.The Sub Registrar,
Thuraiyur Sub Registrars Office,
Thuraiyur,
Trichy District.

3.Viswanathan

4.The Manager,
Southern Regional Office,
Securities and Exchange Board of India,
Overseas Towers, 7th Floor, 756-L,
Anna Salai,
Chennai – 600002.

... 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 pertaining to the impugned Refusal Check Slip of the 2nd respondent vide his Refusal No.RFL/Thuraiyur/125/2023 dated 25.07.2023 and quash the



W.P(MD)No.27564 of 2023

same as illegal and consequently direct the 2nd respondent to register the sale deed dated 24.07.2023 within the time stipulated by this Honourable Court.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1 & R2
Mr.C.Prasanna Venkatesh for R4
No Appearance for R3

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Refusal Check Slip of the 2nd respondent vide his Refusal No.RFL/Thuraiyur/125/2023 dated 25.07.2023 and quash the same as illegal and consequently direct the 2nd respondent to register the sale deed dated 24.07.2023 within the time stipulated by this Honourable Court.

2. It is the contention of the petitioner that the petitioner has entered into a sale agreement with the third respondent. The said agreement was registered on 28.12.2018. As the third respondent has failed to act upon the said sale agreement, the petitioner has filed a suit in O.S.No.94 of 2020 on the file of the Sub Court, Thuraiyur, for specific performance, which has been



W.P(MD)No.27564 of 2023

decreed as *ex parte*. Thereafter, as per the order of the civil Court, when the petitioner presented a sale deed for registration, the same was refused to be registered on the ground that the 4th respondent has made an objection. Challenging the same, the petitioner has filed this Writ Petition.

3. The 4th respondent has filed a counter affidavit, in which it is stated that the subject property originally belonged to Asurre Agrowtech Limited and the same was transferred to the respondent No.3 by the said company through a sale deed dated 28.03.2018. Since the Asurre Agrowtech Limited and its Directors are failed to pay principal amount of Rs.69,30,01,000/-, recovery proceedings were initiated and the properties of the said company have also been attached, in which the subject property has also been included. After attachment only, the suit came to be filed. Hence, opposed this Writ Petition.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the fourth respondent and perused the materials available on record.



W.P(MD)No.27564 of 2023

5. In the counter affidavit, it is clearly indicate that attachment order has already been passed by the competent authority with regard to the refund of huge amount to the investors and in this regard, recovery notice has also been issued to the tune of Rs.69,30,01,000/-. As the attachment has already been ordered in respect of the subject property, there is a clear bar under Section 22-A of the Tamil Nadu Registration Act, 1908.

6. In such view of the matter, this Court is of the view that the impugned order does not require any interference. It is for the petitioner to work out his remedy before the concerned authority to raise the attachment. According to the petitioner, he is a *bona fide* purchaser and it is for him to establish his stand before the concerned authority or to the Tribunal to raise the attachment.

7. With the above observations, this Writ Petition is dismissed. There shall be no order as to costs.

16.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
vsm



W.P(MD)No.27564 of 2023

To

- 1.The District Registrar (Administration),
Trichy District
- 2.The Sub Registrar,
Thuraiyur Sub Registrars Office,
Thuraiyur,
Trichy District.
- 3.The Manager,
Southern Regional Office,
Securities and Exchange Board of India,
Overseas Towers, 7th Floor, 756-L,
Anna Salai,
Chennai – 600002.



WEB COPY



W.P(MD)No.27564 of 2023

N.SATHISH KUMAR, J.

vsm

W.P(MD)No.27564 of 2023

16.10.2024