



WEB COPY



W.P.No.9075 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.9075 of 2024
and W.M.P.No.10091 of 2024

1. Canara Bank
Rep. by Senior Manager,
Asset Recovery Management Branch,
Asset Recovery Management Branch,
8th Floor, Canara Bank Circle Office Buildings,
No. 524 Anna Salai
Teynampet, Chennai 600 018

Petitioner

Vs

1.The Sub Registrar,
Registration Department,
Sub Registrar Office, Batlagundu 624 202
Dindigul District

2.Unicare Pharma Ltd.,
Rep. by its Directors, Ramkumar Moorthy
and Alamelu Ramkumar Moorthy,
No. 1935/1C, NH-45 Extension,
Madurai Road,
Devananthampatti Village 625 602
Periyakulam Taluk,
Theni District
Also at No.43 & 44, Mehta Nagar Extension,
Kundrathur, Chennai 600 069



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3.Magma Fincorp Ltd.,
Now merged In Kotak Mahindra Bank Ltd.,
Kotak Mahindra Bank Ltd.,
27 BKC, C 27, G Block,
Bandra Kurla Complex, Bandra (E),
Mumbai 400 051
Maharashtra, India

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the 1st respondent pertaining to their letter dated 10.07.2023 and the encumbrance attachment entry in Document Number 32/2014 dated 07.07.2014 on the file of the 1st respondent/Sub Registrar, Batlagundu and quash the same as illegal and arbitrary and consequently direct the respondent to register the sale certificate dated 28.03.2023 issued by the petitioner bank to and in favour of the auction purchaser.

For Petitioner: Mr.R.Jagadeesan

For Respondents: Mr.K.Karthik Jagannath
Government Advocate
for respondent No.1

M/s.Rajeni Ramadass
for respondent No.3



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ORDER

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With the consent of the parties, this writ petition is finally heard.

2. The petitioner has raised a grievance that even though the sale certificate was submitted for registration before the Sub Registrar concerned, the same has been kept pending without any order, presumably on the ground that certain disputes are pending in other Court. The petitioner, on such grievance, has prayed for twin reliefs of issuance of mandamus to the authorities to register the sale certificate, as also to quash the encumbrance attachment entry in Document No.32 of 2014, dated 07.07.2014.

3. Learned counsel for the State would submit that, as far as the prayer for registration is concerned, the same is not opposed and subject to submission of properly stamped document, the authority shall proceed to pass necessary order regarding registration.



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However, as far as direction for quashing the encumbrance attachment entry dated 07.07.2014 is concerned, it is submitted that such an entry has been made on the basis of the judicial order passed by the Hon'ble High Court of Calcutta. Therefore, as long as the order subsists, the entry cannot be removed.

4. After hearing learned counsel for the parties, we are of the view that as far as prayer for quashing encumbrance attachment entry dated 07.07.2014 is concerned, the same is liable to be rejected, as the entry made is not incorrect and, admittedly, based on an order of attachment passed by the Hon'ble High Court of Calcutta.

5. Qua the prayer for registration, in view of the statement which has been made by learned State counsel, we issue direction to the first respondent to proceed with the registration, subject to payment of demanded stamp duty and registration fee.

6. Accordingly, the writ petition is partly allowed in the



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manner and to the extent indicated above. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
25.10.2025

Index : Yes/No
Neutral Citation : Yes/No
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To:

The Sub Registrar,
Registration Department,
Sub Registrar Office, Batlagundu 624 202
Dindigul District



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THE HON'BLE CHIEF JUSTICE
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G.ARUL MURUGAN,J.

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