



Writ Petition No.12562 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 21.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.12562 of 2025

Ranipet Developers Private Limited
Rep.By Its Director D. Sowmiya
SF 87/ 2A, P & C Garden,
Nolumbur, Mogappari West,
Chennai 37.

Petitioner

Vs

1. Assistant Commissioner (ST),
Sriperumbudur Assessment Circle
Chennai 600 123.

2.Sub Registrar
Office of The Sub-Registrar-
Sriperumbudur,
Sriperumbudur- 602 105.

3.Inspector General of Registration,
No.100, Santhome High Court,
Chennai- 600 028.

4.Nithiyanatham Ramachandran,
Liquidator of M/s. Chowel India
Private Limited, No.3/716,
Avin Nagar, Surveyor Colony,
Madurai, Tamil Nadu - 625007.

Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the 2nd Respondent to register and release the Sale Certificate in Document (Pending) No.59 of 2025 on its file.

For Petitioner : Mr.Niranjana Rajagopalan
For Respondents : Mr.Harsha C.Raj,
Special Government Pleader [R1]
Mr.U.Baranidharan
Special Government Pleader [R2 & R3]
Mr.A.G.Sathyanarayana [R4]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the second respondent to register and release the sale certificate, which is kept as pending document No.59 of 2025 on the file of the second respondent.

2. When the writ petition came up for hearing on 15.04.2025, this Court directed the learned counsel for the fourth respondent to take instructions and report before this Court. Accordingly, the matter was directed to be listed for hearing today.



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3. Heard Mr.Niranjan Rajagopalan, learned counsel for petitioner, Mr.Harsha C.Raj, learned Special Government Pleader appearing for first respondent, Mr.U.Baranidharan, learned Special Government Pleader appearing for respondents 2 and 3 and Mr.A.G.Sathyanarayana, learned counsel appearing for fourth respondent.

4. The petitioner is a successful bidder of the property that was auctioned by the liquidator representing the fourth respondent company. The sale certificate was also issued in the name of the petitioner. When it was presented for registration before the second respondent, the second respondent was not inclined to register the same on the ground that the first respondent has created a charge for non-payment of the commercial tax by the concerned company. Aggrieved by the same, the present writ petition has been filed before this Court.

5. When the matter was taken up for hearing today, learned counsel for the fourth respondent submitted that the fourth respondent has already issued the sale certificate in the name of the petitioner and the fourth respondent does not have any objection in the sale certificate being registered.



6. The only ground that has been put against the petitioner is that there is a charge created by the first respondent for non-payment of commercial tax by the concerned company.

7. The above issue is squarely covered by various judgments passed by this Court while dealing with the scope of Section 26E of the SARFAESI Act, 2002.

8. Section 53 of the Insolvency and Bankruptcy Code provides for the distribution of the proceeds first towards the dues payable to the workmen, then, in favour of the secured creditor. Thereafter, the remaining amount will be distributed among the other creditors and the Central Government and the State Government will come under this category. The first respondent submitted a claim during the liquidation process, which was admitted by the fourth respondent. Section 238 of the Insolvency and Bankruptcy Code provides that the provisions of the Insolvency and Bankruptcy Code shall have the effect, notwithstanding anything inconsistent in any other law for the time being in force. In view of the same, this provision will take precedent over any of the conflicting laws. As a consequence, the commercial tax department cannot restrain



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the registration authority from registering the document submitted by the auction purchaser in whose favour the sale certificate has been issued.

9. In the light of the above discussion, the second respondent is directed to register the sale certificate, which is kept as pending document No.59/2025, if it is otherwise in order and release the document in favour of the petitioner.

In the result, this writ petition is disposed of with the above direction. No costs.

21.04.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
gm

To

1. Assistant Commissioner (ST),
Sriperumbudur Assessment Circle Chennai 600 123.

2.Sub Registrar
Office of The Sub-Registrar- Sriperumbudur,
Sriperumbudur- 602 105.

3.Inspector General of Registration,
No.100, Santhome High Court, Chennai- 600 028.



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N.ANAND VENKATESH, J

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