



W.P.No.16295 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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**DATED: 30.04.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH**

**W.P.No.16295 of 2025**

The Karur Vysya Bank Ltd  
Rep By Its Chief  
Manager/authorised Officer,  
P.S.Sundaravarathan,  
S/o P.V. Subramaniyan, Asset  
Recovery Branch Chennai, No. 1,  
Padmavathiyar Road, 2nd Floor,  
Gopalapuram, Chennai - 600 086.

Petitioner

Vs

1. The Sub Registrar  
Red Hills, Thiruvallur District.

2.The Assistant Commissioner(ST)  
Ambattur Assessment Circle,  
Integrated Commercial Taxes  
Building (south Tower) Room  
No.322, 3rd Floor, Nandanam,  
Chennai - 600 035.

3.P. Malathi  
W/o Pandiyan, No. 3, Anna Sathya  
Street, Meenakshi Amman Nagar,  
Alwarthiunagar, Chennai - 600 087.

Respondent(s)



W.P.No.16295 of 2025

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st Respondent by proceedings in Refusal No. RFL/Redhills/7/2025 dated 26.03.2025 and quash the same and consequently, direct the 1st Respondent to file the Certificate of Sale dated 26.03.2025 in Book I as per Sections 89(2) or 89(4) of the Registration Act, 1908.

For Petitioner : Mr.P.Saravana Sowmiyan  
For Respondents : Mr.K.Karthick  
Government Advocate  
for R1

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### **ORDER**

This writ petition has been filed challenging the impugned refusal check slip dated 26.03.2025 issued by the first respondent and for a direction to the first respondent to make necessary entry in Book I under Section 89(2) of the Registration Act.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the first respondent.

3. The petitioner Bank had brought the property for sale in the process of proceedings initiated under the 'The Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest



W.P.No.16295 of 2025

Act, 2002' [SARFAESI Act]. The sale certificate was issued in the name of the third respondent, who was a successful bidder. When the sale certificate was presented before the first respondent for making necessary entry in Book 1, the same was refused to be entertained by issuing the impugned refusal check slip dated 26.03.2025 by stating that there is already an attachment made by the second respondent.

4. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court. Useful reference can be made to the order passed by Hon'ble Division Bench of this Court in W.P.(MD) No.674 of 2023 dated 31.08.2023. Hon'ble Division Bench has reiterated the position of law by taking note of Section 26(E) of SARFAESI Act and also the earlier order passed by the Apex Court in ***Kotak Mahindra Bank Limited vs. Girnar Corrugators Private Limited and others*** reported in ***2023 3 SCC 210*** and held that the secured creditor has priority over the debt.

5. In the light of the above judgment, the impugned refusal check slip issued by the first respondent dated 26.03.2025 is hereby quashed and there shall be a direction to the first respondent to entertain the sale certificate dated 26.03.2025 and make necessary entry in Book I as per Section 89(2) of the Registration Act.



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W.P.No.16295 of 2025

**N.ANAND VENKATESH, J**

*mk*

In the result, this Writ Petition is allowed. There shall be no order as to costs.

**30.04.2025**

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

*mk*

To

The Sub Registrar  
Red Hills, Thiruvallur District.

**W.P.No.16295 of 2025**