



WEB COPY



W.P.No. 34362 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No. 34362 of 2025
and
W.M.P.Nos. 42645 & 45307 of 2025

Mohana Ramaswami

... Petitioner

Vs.

1.The Sub-Registrar,
2/92, SH 49, Kazura Garden,
Neelankarai, Chennai,
Tamil Nadu – 600 115.

2.The District Registrar,
Chennai South Registration District,
AC 1 to 48, Todd Hunter Nagar,
Fanepet, Nandanam, Chennai,
Tamil Nadu – 600 015.

3.M/s.Viswapriya Investors Welfare Association,
Old No.2, New No.3, Indra, 12th Cross Street,
Indira Nagar, Adyar, Chennai – 20.

4.The Official Liquidator,
High Court, Madras, as provisional Liquidator
of Viswapriya India Limited, Corpora Bhavan,
2nd Floor, No.29, Rajaji Salai,
Chennnai – 600 001.

... Respondents

(R3 & R4 suo motu impleaded vide order dated
12.09.2025 made in WP/34362/2025 by KRJ)



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Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to quash the order dated 24.02.2016 of the Sub-Registrar, Neelankarai refusing to register P 338/2015.

For Petitioner : Mr.Prakash Gokhalaney for
Mr.Y.G.Guna Sekar
For Respondent : Mr.Abishek Murthy
Government Advocate for R1 & R2
Mr.H.Karthik Seshadri for R3
Mr.Pola Ragunath
Official Liquidator for R4

ORDER

This Writ Petition has been filed seeking to quash the order dated 24.02.2016 of the Sub-Registrar, Neelankarai refusing to register P 338/2015.

2. Pending writ petition, the petitioner filed a petition to withdraw the Writ Petition in WMP.No.45307 of 2025, stating that the petitioner would approach the Sub-Registrar and convince the Sub-Registrar with regard to title and thereafter, they would register the dissolution of partnership deed.



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3. However, the Official Liquidator who is appearing for M/s.Viswapriya India Limited would submit that the present subject property is subject matter of M/s.Viswapriya India Limited, a Company under liquidation and the Official Liquidator is a Provisional Liquidator therefore, the property is under the control of the Official Liquidator. He would further submit that this property was purchased out of the funds of the Company in liquidation, so the right over the property belongs to the Company.

4. Mr.H.Karthik Seshadri, learned counsel appearing for the 3rd respondent would submit that this property was purchased, out of the funds of M/s.Viswapriya India Limited therefore, the subject property is in liquidation and he made an objection for the dissolution and thereby to distribute the assets of the subject property among the partners which was purchased out of the funds belongs to the Company.

5. Upon hearing and perused the document and the petitioner having filed this writ petition for the purpose of appropriate direction to register the dissolution deed, now he has filed the miscellaneous petition



to withdraw the said writ petition citing reasons that he would go to the Sub-Registrar and convince him.

6. When there is a dispute with regard to the subject property and that the property purchased out of the funds of the M/s.Viswapriya India Limited, which is under liquidation and the Official Liquidator is strongly making objections for passing any order and even to convince the Sub-Registrar to accept the dissolution deed by stating that the property is belongs to a partnership firm intended to distribute among the partners ultimately, the said asset belongs to the Company under liquidation and in the end, the ultimate proceed should reach the poor depositors.

7. When such being the case, while dismissing the writ petitions, since the above aspect come to the knowledge of this Court, this Court feels that it would be appropriate before registering the dissolution and, in the event by virtue of the dissolution, if there is any asset in the firm, the same is going to be distributed among the partners, to get the leave of the Company Court in C.P.No.19 of 2014.



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8. In view of the above, since the Assets of the firm was said to have purchased out of the funds of the Company in liquidation, certainly, the assets of the partnership firm has to be treated as the assets of the Company in liquidation. When such being the case, dissolution of the partnership firm and thereafter, distributing its assets to the partners would not come into picture. Therefore, it is clear that unless and otherwise, any order is passed by the Company Court in CP.No.15 of 2014 to the extent that the assets were not purchased out of the funds of the Company in liquidation, the petitioner will not be entitled in any of the assets of the partnership firm even after dissolution. The said exercise cannot be made by the petitioner and it has to be carried out only by way of Court order. When such being the case, the question of withdrawal of the present writ petition and leaving the petitioner to go and convince the Sub-Registrar would not come into picture. As stated above, no such right will arise, until and otherwise a different view is taken by the Company Court in CP.No.15 of 2014. Therefore, this writ petition is



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liable to be dismissed.

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9. In the result, this Writ Petition is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

05.11.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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KRISHNAN RAMASAMY, J.

KKN

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