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W.A.No.3405 of 2025

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

**DATED : 21.11.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR  
and  
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

**W.A.No.3405 of 2025  
and  
C.M.P.No.27752 of 2025**

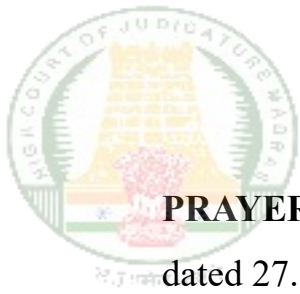
1. Savithri Naidu
2. Rajiv Naidu
3. Vikram R.Naidu
4. M/s.Match Point Tennis Academy,  
Represented by its Managing Director,  
Mr.Rajiv Naidu,  
Residing at 7, 1<sup>st</sup> Avenue, Sasthri Nagar,  
Adyar, Chennai – 600 020.

... Appellants

-Vs-

1. Ebenezer Inbaraj,  
Liquidator of M/s.Landmark Housing Projects  
Chennai Private Limited,  
Registered Office at No.27,  
Saravana Street, T.Nagar,  
Chennai – 600 017.
2. The Sub Registrar,  
Neelangarai,  
Sub Registrar Office,  
Neelangarai 2<sup>nd</sup> Street,  
Kazura Garden,  
Neelankarai, Chennai,  
Tamil Nadu – 600 041.

... Respondents



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**PRAYER :** Appeal filed under Clause XV of Letters Patent, against the order dated 27.10.2025 in W.M.P.No.44449 of 2025 in W.P.No.12855 of 2025

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For Appellants : Mr.Nithyaesh Natraj  
for Mr.Vaibhav Rangarajan Venkatesh

For Respondents : Mr.M.S.Krishnan, Senior Counsel  
& Mr.S.R.Ranganathan  
for Mr.B.Thilak Narayanan for R1  
Mr.Stalin Abhimanyu for R2

### **J U D G M E N T**

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

Heard Mr.N.Nithyaesh Natraj, learned counsel appearing for the appellants and Mr.M.S.Krishnan, learned Senior Counsel assisted by Mr.B.Thilak Narayanan, learned counsel appearing for the first respondent and Mr.Stalin Abhimanyu, learned counsel appearing for the second respondent.

2. The original writ petition, i.e., W.P.No.12855 of 2025 was filed with a prayer of mandamus directing the respondent therein, i.e., Sub Registrar, Neelangarai, Sub Registrar Office, Chennai to file an order of attachment and charge that has been passed in respect of the schedule mentioned properties in paragraph No.233(c) of the Arbitral Award dated 14.09.2020 passed by the Arbitral Tribunal in Arbitration Case No.1 of 2018 in Book-I maintained by the respondent therein in terms of Section 89(2-A) of the Registration Act, 1908 and



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in pursuance to the representation dated 15.03.2025 issued by the third petitioner to the respondent therein.

3. The said writ petition was disposed by the writ Court by order dated 29.04.2025 by passing the following order:

*“4. In the considered view of this Court, there shall be a direction to the petitioners to produce the certified copy of the arbitral award before the respondent. On receipt of the same, the order of attachment passed by the arbitral tribunal which was confirmed by the Division Bench of this Court, shall be registered on the petitioners paying the necessary charges by making necessary entry in Book-I. This process shall be completed within a period of one week from the date of receipt of copy of the order.*

*5. This writ petition is disposed of with the above directions. No costs.”*

4. Subsequently, this order has been clarified by the writ Court by order dated 29.07.2025 to the following effect:

*“Today, the matter was listed under the caption “for being mentioned” on the ground that there is an inadvertent mistake that has crept in Paragraph No.4 of the order. Therefore, Paragraph No.4 of the order dated 29.04.2025 shall be replaced as follows:*

*4. In the considered view of this Court, there shall be a direction to the petitioners to produce the certified copy of the arbitral award before the respondent. The*



*respondent shall make the necessary entry in Book-I.  
This process shall be completed within a period of one  
week from the date of receipt of a copy of this order.*

2. *It is also brought to the notice of this Court that the  
name of counsel appearing for petitioners and respondent has  
been wrongly mentioned as “Mr.R.Varun Vignesh” instead of  
“Mr.Vaibhav R Venkatesh” and “Mr.P.Sathish Additional  
Government Pleader” instead of “Mr.U.Bharanidharan, learned  
Special Government Pleader” for respondent.*

3.*The Registry is directed to carry out the necessary  
corrections in the order and issue fresh order copy."*

5. Pursuant to these orders, i.e., 29.04.2025 as amended by order dated 29.07.2025, the sole respondent in the writ petition, i.e., Sub Registrar, Neelangarai had acted upon and the arbitral award has been recorded in Volume Book-I of the copy of the Registrar's office and to that extent, the Encumbrance Certificate produced before this Court is reflecting the said entry in Book-I by the Registrar of course pursuant to the orders passed by the writ Court as stated *supra*.

6. When that being the case, the first respondent herein who is the liquidator of M/s.Landmark Housing Projects Chennai Private Limited to whom the present appellants seem to have sold the property in question for valid sale consideration a dispute has arose with regard to the part payment or remaining



part payment of the sale consideration. The liquidation issue is pending before the National Company Law Tribunal.

7. Since the liquidator sold the property in question some time in 12.08.2025, he had approached the writ Court by filing W.M.P.No.44449 of 2025 in W.P.No.12855 of 2025 explaining all these reasons in the affidavit filed in support of the said miscellaneous petition where apart from the prayer of recalling the order passed by the writ Court in W.P.No.12855 of 2025 dated 29.04.2025, two more prayers have been sought for, i.e., one is to condone the delay and another is to seek leave to file the said miscellaneous petition.

8. In the said W.M.P.No.44449 of 2025, the present impugned order dated 27.10.2025 has been passed by the writ Court to the following effect:

*“Heard Mr.M.S.krishnan, learned Senior Counsel appearing for the petitioner and carefully perused the materials available on record.*

*2. Considering the grievance of the learned Senior Counsel appearing for the petitioner, the order passed by this Court on 29.04.2025 as amended by order dated 29.07.2025, is kept in abeyance. There shall be a direction to the learned counsel appearing for the petitioner in this petition to serve notice on the learned counsel who appeared on behalf of the respondents 1 to 4 / writ petitioners. The learned counsel shall*



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*also serve notice on Mr.U.Bharanidharan, learned Special Government Pleader who appear on behalf of the fifth respondent.*

*Post on 10.11.2025.”*

9. Assailing the said order, the learned counsel appearing for the appellants would submit that, the order passed by the writ Court dated 29.04.2025 as amended by order dated 29.07.2025 since has been acted upon and the encumbrance has been registered in the Encumbrance Certificate which is being reflected as produced before this Court, this order is nothing but a superfluous, therefore, it cannot be permitted to be acted upon by the parties and therefore, aggrieved over the said order which is impugned herein dated 27.10.2025, the present intra-Court appeal is filed, he contended.

10. However, on the other hand, Mr.M.S.Krishnan, learned Senior Counsel appearing for the first respondent assisted by Mr.B.Thilak Narayanan would submit that, once the National Company Law Tribunal is ceased of the matter under Section 14 of Insolvency and Bankruptcy Code, the jurisdiction of all other judicial forums are ousted, when that being so, what shall be the effect of the award that has been passed by the Arbitrator even though having been confirmed by the higher forum to act upon as against the interest of the company in liquidation which is pending before the National Company Law



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Tribunal was the question and without bringing these factors before the writ Court since the orders dated 29.04.2025 as well as 29.07.2025 have been obtained or passed by the writ Court, that cannot be acted upon, that is the reason why it has been brought to the notice of the writ Court, based on which only the writ Court passed the impugned order directing to keep those orders in abeyance, hence the order does not warrant interference at the hands of the Division Bench, he contended.

11. We have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

12. On consideration of these submissions made by the learned counsel appearing for both sides and after having gone through the limited materials which were placed before us for our perusal, we feel that, as has been pointed out by the learned counsel appearing for the appellants, the order dated 29.04.2025 as amended by order dated 29.07.2025 passed by the writ Court in W.P.No.12855 of 2025 is a final order having been acted upon as the second respondent / Sub Registrar, Neelangarai has entered such arbitral award in respect of the property in question in Volume Book-I at the Registrar Office and this has been reflected in the Encumbrance Certificate issued in this regard



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dated 19.08.2025 which have been placed before us by the appellants side, we feel that, the order which is impugned herein directing the authorities of the respondent therein to keep the order dated 29.04.2025 as amended by order dated 29.07.2025 in abeyance may be a superfluous one or after having been acted upon since the order has been passed it may be required for reconsideration at the hands of the writ Court.

13. In fact this issue could have been agitated before the writ Court itself by filing a clarificatory petition by both the parties, anyhow since the intra-Court appeal has been filed and these factors have been brought to the notice of this Court, we are inclined to dispose of the writ appeal with the following orders:

that the order passed by the learned Judge of the writ Court dated 27.10.2025 for the reasons which we have discussed hereinabove is hereby set aside and the matter is placed before the writ Court with a request to the writ Court to take up W.M.P.No.44449 of 2025 in W.P.No.12855 of 2025 and consider the plea to be raised by the present appellants as well as the first respondent who is the liquidator of the Company and decide the larger issue to be brought before the writ Court in the context of conflicting fact that has been indicated in the order and accordingly, W.M.P.No.44449 of 2025 in W.P.No.12855 of 2025 may be disposed of at the earliest after hearing both the parties by the writ Court.



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14. With these observations and directions, this Writ Appeal is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)  
21.11.2025

NCC : Yes / No  
Index : Yes / No  
Speaking Order : Yes / No

vji

To

1. The Liquidator,  
M/s.Landmark Housing Projects  
Chennai Private Limited,  
Registered Office at No.27,  
Saravana Street, T.Nagar,  
Chennai – 600 017.
2. The Sub Registrar,  
Neelangarai,  
Sub Registrar Office,  
Neelangarai 2<sup>nd</sup> Street,  
Kazura Garden,  
Neelankarai, Chennai,  
Tamil Nadu – 600 041.
3. The Managing Director,  
M/s.Match Point Tennis Academy,  
Mr.Rajiv Naidu,  
Residing at 7, 1<sup>st</sup> Avenue, Sasthri Nagar,  
Adyar, Chennai – 600 020.



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**R.SURESH KUMAR, J.  
and  
HEMANT CHANDANGOUDAR, J.**

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