

W.P.(MD).No.9563 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.9563 of 2025 &
WMP(MD).Nos.7150 & 7152 of 2025

J.Sahayamarry

.. Petitioner

Versus

1.The District Revenue Officer,
Dindigul District,
Dindigul.

2.The District Registrar (Registration),
Dindigul District, Dindigul.

3.The Sub Registrar,
Nilakottai,
Dindigul District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records relating to the impugned communication bearing Na.Ka.No.6344/2020/C4 dated nil 11.2021 issued by the first respondent and quash the same and consequently direct the third respondent to register the sale deed on representation by the petitioner in respect of R R.S.No.18/4A, 18/4E, 18/4D, 21/4C2 and 21/4B2A situated at Kalladipatti Village, Dindigul District on the basis of the Judgment and decree passed in O.S.No.120/2018 on the file of the Principal District Judge, Dindigul dated 15.10.2019.



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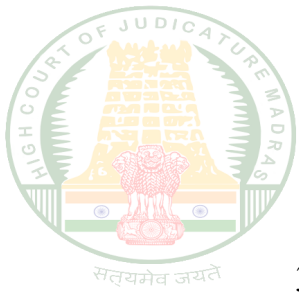
For Petitioner : Mr.M.Gnana Guru Nathan

For Respondents : Mr.R.Suresh Kumar,
Additional Government Pleader

ORDER

The writ petition has been presented seeking a writ of certiorarified mandamus to quash the impugned communication bearing Na.Ka.No. 6344/2020/C4 issued by the first respondent, and also for a direction to the third respondent to register the sale deed.

2. The petitioner claims that the property comprised in R.S.No.18/4A, 18/4E, 18/4D, 21/4C2 and 21/4B2A situated at Kalladipatti Village, Nilakottai Taluk, Dindugul District belonged to one Parivar Dairies and Allied Limited Company. The petitioner states that on 28.10.2014, Parivar Dairies represented by its chairman, B.L.Sharma, entered into a Memoradum of Understanding with the writ petitioner. In terms of the MOU, the petitioner over a period of time, had paid a sum of Rs.55,00,000/- to the said Parivar Dairies. In lieu of the payment made by the writ petitioner, Parivar Dairies agreed to alienate the aforesaid properties in favour of the writ petitioner. The petitioner further adds that Parivar Dairies put the petitioner in possession of the property.

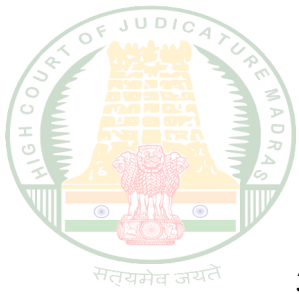


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3. As Parivar Dairies did not execute a sale deed in favour of the petitioner, the petitioner presented a suit for specific performance of the aforesaid MOU before the Principal District Judge at Dindigul. This suit was taken on file as OS.No.120 of 2018. The suit came to be decreed by the said Court on 15.10.2019. The petitioner thereafter initiated execution proceedings to get the sale deed executed through the process of the Court. She filed E.P.No.276 of 2020 on the file of the learned Principal District Judge at Dindigul. The learned Principal District Judge ordered the EP and executed the sale deed pursuant to an order dated 01.03.2023.

4. When the sale deed was presented for registration, the third respondent refused to register the sale deed on the ground that the District Revenue Officer had informed the Sub Registrar that the properties had been attached by invoking the provisions of The Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 (herein after referred to as “TNPID Act”). Challenging the proceedings of the first respondent in the impugned communication bearing Na.Ka.No. 6344/2020/C4, the present writ petition has come up before this Court.



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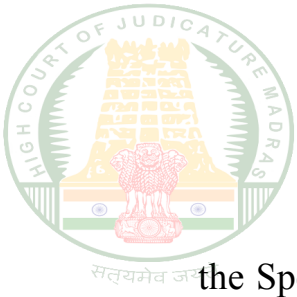
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5. I heard Mr.M.Gnana Guru Nathan for the petitioner and Mr.R.Suresh Kumar for the respondents. I have gone through the records.

6. As per section 22-B(3) of the Registration Act, if an attachment has been ordered by a competent authority under the State or Central Act, or by a Court or Tribunal, a Sub Registrar cannot register the document. The impugned order shows that it is an attachment made by the District Revenue Office in exercise of the powers conferred under the TNPID Act. An attachment made by the District Revenue Officer in exercise of TNPID Act is always subject to confirmation or modification by the Special Court constituted under the Act.

7. Mr.R.Sureshkumar points out that the proceedings against the Parivar Dairies have been taken on file by the Special Court dealing with TNPID Act cases in Madurai as OA.No.8 of 2021.

8. Sufficient provisions are available under the TNPID act for a bonafide purchaser for value, without due notice of attachment, or a purchaser of the property under an agreement entered into before the attachment, to approach the Court and seek for raising the attachment. Once



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the Special Court is convinced that the case of the petitioner is bonafide, it would always pass an order to that effect. After the attachment is raised, the bar under Section 22-B(3) does not operate. Therefore, it is only under these circumstances, that the petitioner can have her sale deed registered.

9. In view of the above, the Writ Petition stands dismissed. Liberty is granted to the petitioner to approach the TNPID court in OA.No.8 of 2021 and seek for raising of attachment. No cost. Consequently, the connected miscellaneous petitions are closed.

07.04.2025

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no

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V.LAKSHMINARAYANAN, J.

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