



W.P.(MD)No.13876 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.13876 of 2025

and

W.M.P(MD)No.10040 of 2025

P.Kannan

... Petitioner

Vs.

1.The Sub Registrar,
Thathaiyangarpettai SRO,
49, Kothachetty Street, Near Library,
Thathiyankarpettai, Musiri Taluk,
Trichy District 621 214

2.M/s. Cholamandalam Investment and Finance Limited,
Rep by its Authorized Signatory,
Dare House, No. 2, NSc Bose Road,
Parrys, Chennai 600 001

3.ALF Arbitral Tribunal,
No.1/63, 2nd Floor,
Sidco Nagar, 5th Main Road,
Villivakkam 600 049.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 25.11.2021 passed by the third respondent Ld.Sole Arbitrator in I.A.No. 1 of 2021 in ARC/CIFL/VL/5252/2021 and quash the same and



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consequently direct the first respondent to remove the entry made in Survey Nos.998/2 and 998/2A1, Mahadevi Village, Musiri Taluk, Tiruchirapalli District.

For Petitioner : Mr.R.Jenifar Bibin
For R1 : Mrs.S.Jeyapriya
Government Advocate
For R2 : Mr.B.Janarth Kumar

ORDER

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

2.The learned counsel on either side submit that the entire loan amount has been settled by the petitioner and in view of the Arbitrator having passed away, the petitioner is unable to move appropriate application under the Arbitration Act. Hence, the writ petition has been filed seeking a direction to raise the order of attachment , dated 25.11.2021 passed by the third respondent in I.A.No.1 of 2021 and to consequently direct the first respondent to remove the entry made and reflecting the said attachment order in the encumbrance certificate.



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3. In view of the admitted position that the petitioner has settled the entire loan account to the second respondent and the petitioner is facing a peculiar problem in view of the demise of the Arbitrator and he is unable to comply with the directions of the Principal District Judge, requiring the copy of the interlocutory application, and considering that the second respondent has no objection for the attachment order being raised, in the light of the above, the first respondent is directed to raise the order of attachment by making necessary contra entry in the encumbrance certificate. The said exercise shall be completed within a period of 4 weeks from the date of receipt of a copy of this order.

4. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

08.05.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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P.B.BALAJI, J.

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