



W.P(MD)No.20541 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.08.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

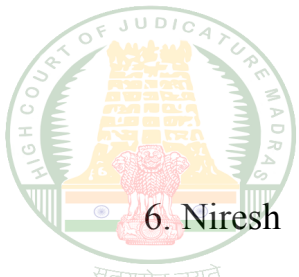
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M/s Karur Vysya Bank,
Asset Recovery Branch,
R.S.No.170/9, Uthangudi Village,
Near Mattuthavani Omni Bus Stand,
Madurai-625 107.
Represented by its Authorized Officer.

... Petitioner

VS.

1. The Inspector General of Registration,
Santhome, Chennai.
2. The District Registrar Karur,
Karur District.
3. The Sub-Registrar,
Registration Department,
Melakarur,
Karur District.
4. The Assistant Commissioner (State Tax),
Kondalampatty Assessment Circle,
Room No.3223, Iiird Floor,
Integrated Commercial Taxed Office Building,
Pitchards Road, Hasthampatty,
Salem- 636 007.
5. M/s.Niresh Ceramics,
No.238/1, RR Complex,
Salem Bye Pass Road,
LNS Post, Karur-639 002.



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6. Niresh

7. K.Devi

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the 1st and 3rd respondents to remove/lift the impugned attachment entry in the encumbrance certificate registered as Document No. 2 of 2021 dated 21.04.2022 at the instance of the 4th respondent relating to the Flat No.3, First Floor, Ram Residency, House Site No. 30, Annapoorani Garden situated in Survey Nos.42/1A, 42/1B, 43/2, 43/3, and 43/5 Aandankovil East Village, Manmangalm Taluk, Karur District within reasonable time period fixed by this Court by considering the petitioner's representation dated 10.07.2025.

For Petitioner	:Mr.V.Sukumar
For R1 to R3	: Mr.G.Suriya Ananth Additional Government Pleader
For R4	: Mr.R.Suresh Kumar Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the 1st and 3rd respondents to remove/lift the impugned attachment entry in the encumbrance certificate registered on 21.04.2022 by considering the petitioner's representation dated 10.07.2025.

2. The petitioner is Karur Vysya Bank, represented by the Asset Recovery Branch. The 5th respondent obtained a loan from the petitioner by

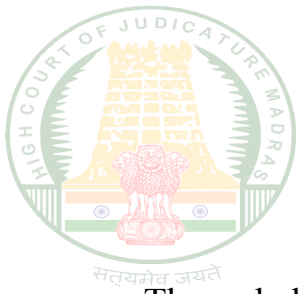


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mortgaging their property. The mortgage was executed in favor of the petitioner's bank on 24.01.2018. When the 5th respondent defaulted in repaying the loan amount, the petitioner initiated proceedings under the SARFAESI Act. Meanwhile, the 4th respondent also initiated proceedings. In fact, the 5th respondent had been in default since the VAT regime itself. However, the attachment of the property by the 4th respondent was made only on 21.04.2024, which is clearly subsequent to the mortgage executed in favor of the petitioner's bank. Therefore, under the SARFAESI proceedings, the petitioner's claim shall have overriding effect. Consequently, the 4th respondent cannot raise any valid objection in this regard.

3. Further, the present prayer is to delete the entry made against the 4th respondent. Although several orders have been passed in various writ petitions and writ appeals, deletion of the entry is not permissible. However, as per the subsequent order of this Court dated 19.10.2024 in W.P.(MD) No. 15451 of 2024, a contra entry may be made.

4. Taking all these factors into consideration, this Court is of the considered opinion that, rather than deleting the entry, the 3rd respondent is directed to entertain the document presented by the petitioner and make a contra entry.



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5. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes

KSA



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.20541 of 2025**

DATED :06.08.2025