



WEB COPY

WP No. 3558 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 3558 of 2023

M/s.Karur Vysya Bank,
Represented by its Authorized Officer,
Mr.Senthilkumaran, Asset Recovery Branch,
Mattuthavani - Melur Road,
Near Mattuthavani Bus Stand, Madurai.

..Petitioner(s)

Vs

1. The District Registrar,
Registration Department,
Coimbatore District, Coimbatore.
2. The Sub-Registrar,
Madukkarai, Coimbatore District.
3. Sethuraman
4. M/s. Sundaram Finance Limited
No. 21, Patullous Road, Chennai 600 002.
5. A.R. Jabarullah
6. Iythar ali

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of writ of mandamus, directing the 1st and 2nd respondents to efface / delete the attachment entries reflected in the encumbrance certificate relating to land in survey No. 421 /1C measuring to an extent of 1.30 Acre in its middle portion measuring to an extent of 0.30 Acre situated at



Malumitchampatti, Coimbatore South Taluk, Coimbatore District registered as Document No.10 of 2020 dated 22.12.2020 and Document No. 31 of 2022 dated 08.07.2022 registered on the file of the 2nd respondent within reasonable time period fixed by this Honble court.

For Petitioner(s): Mr.A.Arun Babu

For Respondent(s): Mr.M.Arunachalam for R4

Mr.K.Aswini Devi
Additional Government Pleader for R1 & R2

R3 – Not ready in notice

R5 & R6 – No Appearance

ORDER

This Writ Petition has been filed seeking issuance of writ of mandamus, directing the 1st and 2nd respondents to efface / delete the attachment entries reflected in the encumbrance certificate relating to land in survey No. 421 /1C measuring to an extent of 1.30 Acre in its middle portion measuring to an extent of 0.30 Acre situated at Malumitchampatti, Coimbatore South Taluk, Coimbatore District registered as Document No.10 of 2020 dated 22.12.2020 and Document No. 31 of 2022 dated 08.07.2022 registered on the file of the 2nd respondent within reasonable time.

2. The learned counsel appearing for the petitioner would submit that the impugned order was passed on 22.10.2020 and the same was registered with the



2nd respondent Sub-Registrar. However, the petitioner granted loan and the subject property was mortgaged in favour of the petitioner on 06.10.2015 thereafter, the subject property was sold through the auction on 26.07.2022.

3. According to the 4th respondent, the property was sold to an extent of Rs.1,18,00,000/- whereas the total arrears mentioned in the notice was Rs.1,11,00,000/- only therefore, excess amount to an extent of Rs.17,00,000/- is available, unless otherwise the said amount is paid, the attachment cannot be removed. He would submit that in the event the remaining amount of Rs.17,00,000/- is settled, certainly, there will not be any attachment. Of course, in the present case, once the mortgagors sold the property, automatically the attachments and mortgages relinquished along with the interest of the second mortgagee attached, if no excess amount is available after settling the original mortgagee. Admittedly, in the present case, a sum of Rs.17,00,000/- is available. Therefore, once it is relinquished, the question of continuing the attachment against the subject property would not come into picture at all.

4. In such being the case, in the event the 4th respondent approach the petitioner, it is up to the petitioner to provide accounts to the 4th respondent with regard to the sale proceeds within a period of eight weeks from the date of receipt of a copy of this order. If the petitioner is not producing accounts, the petitioner is liable to pay about a sum of Rs.17,00,000/- to the 4th respondent.



5. This Writ Petition is disposed of with the above terms. No costs.

WEB COPY

24-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN



To

1. The District Registrar,
Registration Department,
Coimbatore District, Coimbatore.
2. The Sub-Registrar,
Madukkarai, Coimbatore District.



WEB COPY

WP No. 3558 of 2



KRISHNAN RAMASAMY, J.

KKN

WP No. 3558 of 2023

24-03-2026