



WEB COPY

WP No. 3357 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-02-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP No. 3357 of 2026

Mr.Ponnusamy,
S/o.Ramasamy Gounder,
Residing at 1E, Senthil Nagar,
Somanur, Sulur Taluk, Coimbatore -641 668.

..Petitioner

Vs

1. The Sub Registrar
Karumathampatti Sub Registrar Office,
Kalangal Road, SRS Puram, Sulur,
Coimbatore -641 402.
2. The District Registrar(Admin),
Coimbatore South, Fifth Floor, Singapore
Plaza, Crosscut Road, Gandhipuram,
Coimbatore -641012.

..Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 1st Respondent to register and release the sale deed dated 27.10.2025 which is kept pending as Document No. P/Karumathampatti/29/2025, before the 1st Respondent, within a time period stipulated by this Honourable Court.



For Petitioner:

Mr. S.R.Raghunathan

for Mr.Suriya RS

For Respondents:

Mr.U.Baranidharan, Spl. G.P.

ORDER

Asserting title under sale certificates registered as document nos.AW2 and AW3 of 2025, the petitioner executed sale deed dated 27.10.2025 in favour of M/s.KGISL Trust. Upon presentation for registration, the document has been kept pending without registration.

2. Learned counsel for the petitioner submits that the petitioner is entitled to priority under Section 26E of the SARFAESI Act, 2002 (the SARFAESI Act) and that registration cannot be denied on the ground of attachments which are subsequent to the creation of the mortgage in favour of Canara Bank. Learned counsel submits that the memorandum of deposit of title deeds was registered on 31.08.2015 under document no.8928/2015. Therefore, he submits that the charge in favour of the Bank takes priority and as the purchaser from the Bank, the petitioner is entitled to deal with the property notwithstanding the attachments.

3. Mr.U.Baranidharan, learned Special Government Pleader, accepts notice for both the respondents. He submits that the registering officer would either register the document or issue a speaking order of refusal within a reasonable time.



4. As submitted by learned counsel for the petitioner, a charge in favour of a secured creditor is entitled to priority under Section 26E of the SARFAESI Act. As a consequence thereof, attachments in favour of other creditors are not rendered void or invalid. However, if the charge in favour of the secured creditor were to be enforced by bringing the relevant property to sale, the secured creditor would be entitled to first appropriate its dues from the sale proceeds. Other creditors would only be able to reach out to the surplus, if any, remaining thereafter in enforcement of charges in their favour. In any event, a subsequent sale by the purchaser from the Bank cannot be stalled on the basis of attachments especially those subsequent to the mortgage in favour of the selling Bank.

5. For reasons aforesaid, this writ petition is disposed of by directing the registering officer to either register the document, subject to fulfilment of other requirements in this regard, or issue a speaking order of refusal. Such order shall be issued after duly taking note of observations set out in this order. There will be no order as to costs.

10-02-2026

Index : Yes/No

Internet: Yes/No

Neutral Citation : Yes/No

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SENTHILKUMAR RAMAMOORTHY, J.

KJ

To

1.The Sub Registrar
Karumathampatti Sub Registrar Office,
Kalangal Road, SRS Puram, Sulur,
Coimbatore -641 402.

2.The District Registrar(Admin),
Coimbatore South,
Fifth Floor, Singapore Plaza, Crosscut Road,
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