



W.P.(MD).No.6019 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05-03-2026

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD).No.6019 of 2026

M/s. HDFC Bank Limited,
Department for Special Operations,
having Office at Classic Towers,
1547, Trichy Road, Coimbatore - 641 018.
Represented by its Authorized Officer,
Mr.A.Sivalingam,
S/o.Agandeswaran.

... Petitioner

Vs.

1. The Sub Registrar,
Rajapalayam Sub Registrar Office,
Rajapalayam
Virudhunagar District.
2. Neravati Ananda Gupta
3. Bysani Krishna Murthy
4. M/s. Sree Hanuman Cotton Spinning and Pressing Factory,
Rep by its Managing Partner,
Sagar Sudhakar Setty, Mundargi Industrial Area,
KIADB 1st Stage, Bellary, Karnataka.
Represented its Power agent,
N.Paranthaman,
S/o.E.Narayanasamy
46, Ground Floor, Sri Angammal Avenue,
B.R.Puram, Peelamedu Coimbatore- 641004.



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5. M/s. M S Spinners,
Rep. by its Partners,
No.276 A 276B,
Kothankulam,
Rajapalayam,
Virudhunagar- 626117.

6. Chidambaram

7. Subhalakshmi

8. Indhuja

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st Respondent to efface/delete the subsequent Court attachments in Doc. Nos.28/2025, 29/2025, 30/2025 and 31/2025 dated 22.07.2025 and Doc. No.45/2025 dated 08.09.2025 on the file of the 1st Respondents Rajapalayam Sub Registrar office, against the petitioner banks secured immovable properties, as per the petitioners representation dated 06.02.2026, within a stipulated time frame and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.K.Prabhakar

For R1 : Mr.A.Baskaran
Additional Government Pleader



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ORDER

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The writ petition is filed for a mandamus directing the 1st respondent to efface / delete the subsequent Court attachments in Doc. Nos.28/2025, 29/2025, 30/2025 and 31/2025 dated 22.07.2025 and Doc. No.45/2025 dated 08.09.2025 on the file of the 1st Respondents Rajapalayam Sub Registrar office, against the petitioner banks secured immovable properties, as per the petitioners representation dated 06.02.2026.

2. Heard Mr.K.Prabhakar, learned counsel for petitioner and Mr.A.Baskaran, learned Additional Government Pleader, who takes notice for 1st respondent.

3. By consent of both the parties, the writ petition is taken up for final disposal at the admission stage itself. Since limited relief are to be granted, the order is passed without notice to the respondents 2 to 8.



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4. The case of the petitioner Bank is that when the petitioner is a secured creditor exercising its powers under the SARFAESI Act, it is now well settled that any attachment made subsequent to such exercise cannot be sustained. The registering authority is, therefore, bound to make a contrary endorsement to indicate that such attachments are no longer in force, in view of the entries made under Section 26E of the SARFAESI Act.

5. Even though the original prayer was made to efface or delete the subsequent attachment, the learned Counsel for the petitioner would fairly place on record the judgment of the Hon'ble Division Bench in the case of **M/s.HDFC Bank Limited vs. The Sub-Registrar**, in W.P. (MD).No.1855 of 2024 dated 24.03.2025, and the operative portion is extracted hereunder:-

“19. Therefore, this Court issuing the following directions:

- i] If there is any attachment entered which is after the banks mortgage, then the banks are directed to submit an application to make contra entry based on Section 26E of Sarfaesi Act.



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ii] On such application the Sub Registrar shall make a contra entry with remarks that the bank is having priority over other debts and first charge on the mortgage property as per section 26E of Sarfaesi Act and also record after sale by the banks, after adjusting the loan of the bank, if any balance amount is available then the amount would go to the earlier attachment.

iii] After making such entry the Sub Registrar shall intimate the same to the parties in the earlier attachment.

iv] In the present case, the Sub Registrar is directed to follow the direction stated in clause (ii).

6. In view thereof, the writ petition is disposed of with the following directions:-

- i. The 1st respondent is directed to conduct an enquiry based on the petitioner's representation dated 06.02.2026 and as per the judgment of the Hon'ble Supreme Court cited *supra*, after issuing notice to the petitioner, the respondents 2 to 8 and other interested parties, if any.



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- ii. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a web copy of the order, without waiting for the certified copy of the order.

- iii. No costs.

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Index: Yes
Speaking Order: Yes
Neutral Citation: No
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To
The Sub Registrar,
Rajapalayam Sub Registrar Office,
Rajapalayam
Virudhunagar District.



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D.BHARATHA CHAKRAVARTHY, J.

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