



W.P(MD)No.10426 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 09.06.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.10426 of 2026
and
W.M.P(MD)Nos.8182 and 8183 of 2026**

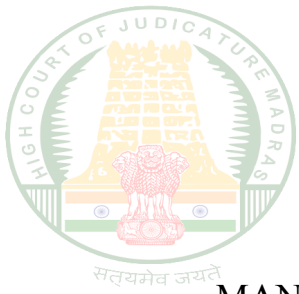
Rrm Blue Metals
Represented by its Managing Partner, Shankar,
S/o.Rathnamani,
Having Registered Office At, No.5/97a,
Karungal,
Vilavancode, Kanyakumari. ... Petitioner(s)

- Vs. -

- 1.The District Collector,
Office of the District Collector,
Tirunelveli District.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Mukkoodal, Tirunelveli District.
- 3.The Tahsildar,
Amabasamuthram Taluk,
Tirunelveli District.

... Respondent(s)

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of CERTIORARIFIED



W.P(MD)No.10426 of 2026

WEB COPY

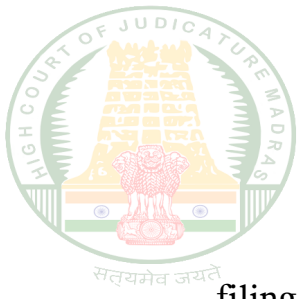
MANDAMUS calling for the records relates to the impugned communication bearing No.Na.Ka.A2/4507/2020 dated 11.06.2024 issued by the 3rd respondent and quash the same and consequently direct the 2nd respondent to file the sale certificate dated 14.08.2024 in Book-I under Section 89(4) with subsequent direction to the 2nd respondent to made entry in the Encumbrance Certificate on the basis of the sale certificate issued by liquidator dated 14.08.2024.

For Petitioner	:Mr.M.Gnana Guru Nathan
For Respondent	:Mr.R.Parthiban
	Government Standing Counsel

ORDER

This writ petition is filed challenging the impugned order dated 11.06.2024 and consequently to file the sales certificate in Volume 1, as per Section 89(4) of the Registration Act, 1908.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that the property in question has been put into auction under the provisions of the Insolvency and Bankruptcy Code. The petitioner is the successful bidder and the auction purchaser and as such the sale certificate is issued to the petitioner. The same is presented before the 2nd respondent for



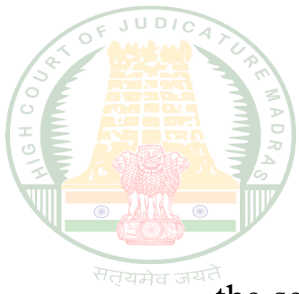
W.P(MD)No.10426 of 2026

WEB COPY

filing in Volume-I as per section 89(4) of the Act and the same is refused on account of the claim made by the TANGEDCO and the impugned order is passed and therefore, the petitioner is before this Court.

3.The learned counsel for the petitioner would submit that as per the provisions of the Insolvency and Bankruptcy Code, the secured creditor has primacy and when the sale is made, the TANGEDCO has to come within the waterfall mechanism and has to proceed only as against the sale consideration and cannot object to the presentation of the sales certificate before the second respondent.

4.In reply thereof, the learned Government Standing Counsel would fairly bring to the notice of this Court as to the judgment of this Court in Empee Distilleries Limited Vs. The Superintending Engineer, Pudukottai Electricity Distribution Circle and Ors., reported in Manu/TN/1334/2025. Wherein, in view of the judgments of the Hon'ble Supreme Court in Ghanashyam Mishra and Ruchi Soya case, it is held that TANGEDCO cannot enforce the claim against the petitioner but, however when they come for TANGEDCO for its services, it can refuse



W.P(MD)No.10426 of 2026

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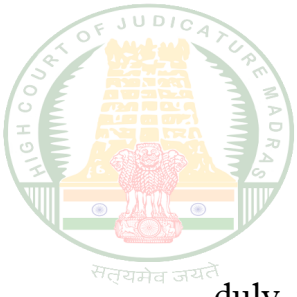
the services until the dues are paid. The said position was upheld by the Division Bench in the above judgment.

5.The learned counsel for the petitioner would also rely upon the judgment in *Paschimanchal Vidyut Vitrannigam Ltd., vs. Raman Inspat Private Limited & Ors.,(2023 INSC 625)*, wherein, it was held that the provisions of the IBC will override the provisions of the other statutes.

6.Upon consideration of the submissions made, I am of the view that the impugned order cannot be sustained. But however, as per the dictum of the Division Bench in *Empee Distilleries case(cited supra)*, the TANGEDCO only can refuse if any services of the TANGEDCO is required by the petitioner in future.

7.In view thereof, this writ petition is ordered on the following terms:

- (i)The impugned order dated 11.06.2024 shall stand quashed.
- (ii)The second respondent, the Sub-Registrar shall pass orders



W.P(MD)No.10426 of 2026

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duly recording the sale certificate under section 89(4) of the Act, in Volume-I, and communicate the same and hand over the duly filed sale certificate to the petitioner.

(iii)The aforesaid excise shall be completed within a period of four weeks from the date of receipt of the web copy of the order.

(iv)Needless to mention that the requisite charges applicable shall be paid by the petitioner.

(v)As observed supra, TANGEDCO shall have the right to refuse if the petitioner for his service in future.

(vi)No costs. Consequently, connected miscellaneous petitions are closed.

09.06.2026

NCC:Yes/No

To

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W.P(MD)No.10426 of 2026

D.BHARATHA CHAKRAVARTHY, J.

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