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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28-09-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP(MD) No. 1006 of 2026
and
WMP(MD)No.797 of 2026

CNR:{HCMD010044942026}

Amal Raj

..Petitioner(s)

Vs

The Sub Registrar
Sub Registrar Office,
Palliyadi,
Kanyakumari District.

..Respondent(s)

PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of CERTIORARIFIED MANDAMUS to call for the records pertaining to Impugned Refusal Check Slip No.101 of 2025 dated 10.12.2025 issued by the Respondent and quash the same as illegal and consequently direct the Respondent to register the Petitioners Sale Deed T.P.No.241897685/2025 dated 10.12.2025 within the time stipulated by this Court.

For Petitioner(s) : Mr.M.R.Sreenivasan
For Respondent(s) : Mr.R.Parthiban
Special Government Pleader

ORDER

This Writ Petition is taken up for final hearing at the time of admission with the consent of the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

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2. The petitioner is before this Court challenging the impugned Refusal Check Slip No.101 of 2025, dated 10.12.2025, issued by the respondent, and seeks to quash the same as illegal and consequently direct the respondent to register the petitioner's Sale Deed T.P. No. 241897685/2025, dated 10.12.2025, within the time stipulated by this Court.

3. The petitioner had purchased the property from the legal heirs of the successful bidder, in whose favour the Sale Certificate was executed by the Tamil Nadu Mercantile Bank under Document No.2007 of 2025, dated 28.05.2025.

4. The facts on record reveal that the land in question originally belonged to the Director of M/s. Palliyadi Retna Chit Fund. The said company had availed a loan by mortgaging its assets with the Tamil Nadu Mercantile Bank.

5. Since the loan was defaulted on, the account of the said company was declared as an NPA under the provisions of the SARFAESI Act, 2002. The auction was held on 20.03.2023, and the petitioner's vendor's

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husband, namely, Regin, was declared the successful bidder on 21.03.2023.

6. By the time the aforesaid Sale Certificate was presented for registration, the said successful bidder, namely, Regin, had died on 31.12.2024. The Sale Certificate presented by the said Bank was, however, returned by the respondent herein vide Refusal Check Slip No. 409 of 2023, dated 21.09.2023.

7. This was the subject matter of challenge by the Bank, namely, the Tamil Nadu Mercantile Bank, in W.P. (MD) Nos. 30484, 30485 and 30486 of 2023. By an order dated 24.10.2024, this Court quashed the aforesaid Refusal Check Slip with the following observations:

> *"9. Therefore, since the division bench has already dealt with this matter, the said finding is binding on this Court. Accordingly, the refusal check slip issued by the first respondent in No.409/2023 dated 21.09.2023 is hereby quashed and these Writ Petitions are allowed. The registering authorities concerned are directed to register the documents presented by the petitioners in all these writ petitions forthwith. No costs. Consequently, connected Miscellaneous Petitions are closed.*

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8. During the interregnum, the said company, namely, M/s. Palliyadi Retna Chit Fund Limited, was proceeded against under the provisions of the TNPID Act, and its assets were also attached by the Government under Section 3 of the said Act on 12.11.2012 vide G.O. Ms. No. 872, Home (Police XIX) Department, Government of Tamil Nadu.

9. It is noticed that the petitioner had purchased the property from the legal heirs of the successful bidder, namely, Regin, and that the registration of the sale deed has now been refused on the same ground as stated in Refusal Check Slip No. 409 of 2023, dated 21.09.2023, in view of the attachment order in G.O. Ms. No. 872.

10. The Bank, being a secured creditor under the provisions of the SARFAESI Act, 2002, has a superior title in view of Section 26E of the SARFAESI Act, 2002 and Section 31B of the Recovery of Debts and Bankruptcy Act, 1993.

11. I am also fortified in this view by the decision of the Full Bench of this Court in ***The Assistant Commissioner (CT), Anna Salai-III Assessment Circle v. The Indian Overseas Bank,*** reported in ***2016 (6) CTC 769 [W.P.No.2675 of 2011 batch cases].***

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12. Considering the same, the impugned Refusal Check Slip declining to register the Sale Deed presented in favour of the petitioner is liable to be quashed, with a consequential direction to the respondent to register the Sale Deed presented by the petitioner.

13. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

28-09-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
sji
To
The Sub Registrar
Sub Registrar Office,
Palliyadi,
Kanyakumari District.

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C.SARAVANAN, J.
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