



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.13835 of 2016

WEB COPY

Ponnusamy

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai 600 028.

2.The Deputy Inspector General of Registration,
Trichy zone, Trichy.

3.The District Registrar,
District Registrar Office,
Trichy District.

4.The Sub Registrar,
Registration Department,
Hospital Main Road,
Kattuputhur, Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 9.3.2016 and to initiate enquiry on the basis of Circular 67 dated 03.11.2011.

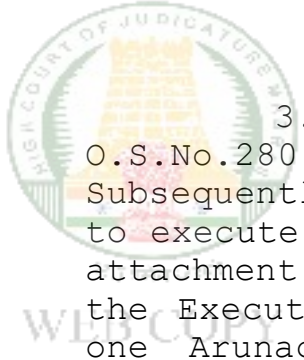
For Petitioner : Mr.C.Deepak

For Respondents : Mr.R.Anandaraj,
Government Advocate.

ORDER

This writ petition has been filed seeking for the issuance of a writ of mandamus, to direct the respondents to initiate enquiry on the basis of Circular 67 dated 03.11.2011 issued by the first respondent by considering the petitioner's representation dated 9.3.2016.

2.Heard Mr.C.Deepak, learned counsel appearing for the petitioner and Mr.R.Anandaraj, learned Government Advocate who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission



3. According to the petitioner, he is a decree holder in O.S.No.280 of 2002, on the file of the Sub Court, Namakkal. Subsequently, he filed a Execution Petition in R.E.A.No.85 of 2013 to execute the decree passed in O.S.No.280 of 2002 and an order of attachment also is in force. According to the petitioner, pending the Execution Petition one Krishnan has executed a sale deed to one Arunachalam in Document No.884 of 2004 in turn, he has executed a sale deed in favour of one Kumeravel, Thangavel and Meiyalagan in Doc.No.1120 of 2014. It is further submitted that the property which is attached by due process of law has been sold to many persons. Therefore, the petitioner sent several representations to cancel the above said documents invoking the circular No.67, dated 03.11.2011 issued by the Inspector General of Registration. Since no order has been passed on the representations of the petitioner, the petitioner has approached this Court by filing this writ petition.

4. It is an admitted case that the property is in court attachment, merely because an order has been passed by the Civil Court effecting attachment, it cannot be a bar for entertaining a document for registration. Apart from that even pending attachment, if the property was sold by the judgment debtor, circular 67, dated 03.11.2011 issued by the Inspector General of Registration cannot be made applicable.

5. In such circumstances, the prayer sought for by the petitioner, cannot be granted. Hence, the writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The Inspector General of Registration,
No.100, Santhome High Road, Chennai 600 028.
2. The Deputy Inspector General of Registration,
Trichy zone, Trichy.
3. The District Registrar,
District Registrar Office, Trichy District.
4. The Sub Registrar, Registration Department,
Hospital Main Road, Kattuputhur, Trichy District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.54472

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