



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

WEB COPY

CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.20130 of 2016

Sivathanu Chettiar

... Petitioner

Vs.

1. The District Registrar,
District Registrar Office,
Nagercoil,
Kanyakumari District.

2. The Joint Sub-Registrar-I,
District Registrar Office,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to consider and pass orders on the petitioner's representation dated 10.09.2016 seeking to remove the interim attachment made in IA.No.248/09 in O.S.No.142 of 2009 from the encumbrance register/certificate in respect of petitioner's property situated in Re Survey No. D12/34 of Nagercoil Village, based on the judgment and decree, dated 28.03.2011 in O.S.No.142 of 2009 within a reasonable time.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.V.Muruganandham
Addl. Govt. Pleader

ORDER

The petitioner has filed this Writ Petition seeking a direction, directing the respondents herein to consider and pass orders on the petitioner's representation dated 10.09.2016, seeking to remove the interim attachment made in IA.No.248/09 in O.S.No.142 of 2009 from the encumbrance register/certificate in respect of petitioner's property situated in Re Survey No. D12/34 of Nagercoil Village, based on the judgment and decree, dated 28.03.2011 in O.S.No.142 of 2009 within a reasonable time.



2. According to the petitioner, there is an interim attachment of property of the petitioner in I.A.No.248 of 2009 in O.S.No.142 of 2009 by the First Additional Sub-Court, Nagercoil. Subsequently, the suit has been settled between the parties in the Lok Adalat and interim attachment also came to an end. Despite the same, encumbrance made by the second respondent's Office so far has not been deleted. Hence, the petitioner made a representation to the second respondent, on 10.09.2016. So far, no order has been passed. Hence, the present writ petition has been filed.

3. Heard the submissions made on either side and perused the documents carefully.

4. In view of the above facts and circumstances of the case, the second respondent is directed to consider the petitioner's application dated 10.09.2016 and pass suitable orders, after giving notice to the petitioner and the plaintiff in the suit viz., Muthupandian, on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of. There shall be no order as to costs.

Sd/

Assistant Registrar (Writs)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Registrar, District Registrar Office, Nagercoil, Kanyakumari District.
2. The Joint Sub-Registrar-I, District Registrar Office, Nagercoil, Kanyakumari District.

+1cc to Special Government Pleader in SR.No.62298.

+1cc to M/S.E.V.N.Siva, Advocate in SR.No.61824.

W.P (MD) No.20130 of 2016
19.10.2016

vs

msm/sk-skn/sar3/04.11.16/p2/5c