



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2017

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THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.(MD)No.7158 of 2016
& W.M.P.(MD)No.6058 of 2016

Subramanian, S/o.Mandhirampillai

..Petitioner

Vs.

The Sub-Registrar,
Udangudi,
Thoothkudi District.

..Respondent

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 on the file of the respondent in connection with the impugned order in his proceedings in Na.Ka.No.101/2015, dated 09.06.2015 and quash the same as illegal and arbitrary and consequently, direct the respondent to remove the entries with regard to the attachment in the official register maintained by him in respect of the properties situated at Survey Nos.76/1, 76/4B, 824/2, 828/2 and 828/3, Udangudi, Thoothukudi District.

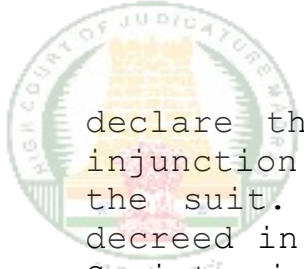
For Petitioner : Mr.P.Samuel Gunasingh

For Respondent : Mr.D.Muruganantham
Additional Government Pleader

ORDER

The petitioner has approached this Court seeking to quash the proceedings of the respondent, dated 09.06.2015, in Na.Ka.No.101/2015 and also a direction to the respondent to remove the entries with regard to the attachment in the official register maintained by him in respect of the properties, situated at Survey Nos.76/1, 76/4B, 824/2, 828/2 and 828/3, Udangudi, Thoothukudi District.

2.According to the petitioner, the entries made subsequent to the attachment proceedings are to be removed in view of the subsequent development. One Ramakrishnan filed a suit in O.S.No.324 of 2010 before the Subordinate Court, Tuticorin, to



declare the said attachment as null and void and for permanent injunction. The petitioner herein was one of the defendants in the suit. Further, according to the petitioner, the suit was decreed in his favour on 07.06.2013 and the attachment made by the Society in respect of the properties was declared as null and void. After receipt of the said judgment and decree, he approached the respondent for removal of entries with regard to the attachment in the official register maintained by him. He also enclosed a copy of the judgment and decree along with representation to the respondent. However, till date, the respondent has not considered the said representation and also not acted in compliance of the Civil Court decree. In the said circumstances, the petitioner is before this Court for the relief stated supra.

3. Upon notice, Mr.D.Muruganantham, learned Additional Government Pleader, entered appearance on behalf of the respondent, who would submit that a direction may be issued to the respondent for consideration of the representation of the petitioner after obtaining objections, if any, from the Deputy Registrar of Co-operative Societies, Thiruchendur.

4. Considering the abovesaid submission, the respondent is directed to pass orders on the representation of the petitioner by taking note of the Civil Court decree and remove the entries with regard to attachment in the Official Registers maintained by him in respect of the properties, situated at Survey Nos.76/1, 76/4B, 824/2, 828/2 and 828/3, Udangudi, Thoothukudi District, after giving an opportunity to the necessary parties, including the petitioner. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(A.S)

/True Copy/

Sub Assistant Registrar

To

The Sub-Registrar,
Udangudi,
Thoothukudi District.

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.55413
+1cc to M/s. P.SAMUEL GUNA SINGH Advocate in SR. No.54910
SMN2
JS/RSK/SAR.3/17.05.2017/2P-3C