

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No. 22416 of 2018

S.Salomon Sundarraaj

.. Petitioner

Vs

1.The Sub Registrar,
Sub Registrar Office,
Avadi, Chennai-600 054.

2.P.S.Nirmala Sowrajah

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the first respondent to lift up the order of attachment dated 19.04.2011 passed in O.S. No.65 of 2006 by the Sub Court, Poonamallee in the Certificate of encumbrance of property.

For Petitioner : Mr.P.Rathanavel

For Respondents : Mr.T.M.Pappiah,
Special Government pleader

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come up with this writ petition seeking a direction to the first respondent to lift up the order of attachment dated 19.04.2011 passed in O.S. No.65 of 2006 by the Sub Court, Poonamallee in the Certificate of encumbrance of property.

3.According to the learned counsel for the petitioner, since the dispute between the petitioner and the second respondent ended in a compromise and accordingly, the Sub Court, Poonamallee in its order dated 27.04.2018 dismissed the suit in O.S. No.65 of 2006 based on the compromise memo, the first respondent/the Sub Registrar Avadi has failed to lift the attachment order. Hence, the petitioner is before this Court.

4.Mr.T.M.Pappiah, learned Special Government Pleader who takes notice for the first respondent, has no serious objection in granting such relief to the petitioner, provided the petitioner submits all the required documents.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court permits the petitioner to submit all the required documents in support of his claim, along with a copy of this order to the first respondent within a period of two weeks from the date of receipt of a copy of this order. On such submission, the first respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner as well as any of the interested parties within a period of two weeks thereafter.

6.Accordingly, this writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

The Sub Registrar,
Sub Registrar Office,
Avadi, Chennai-600 054.

+1cc to Mr.P.Rathana Vel, Advocate, S.R.No.59919

+1cc to the Government Pleader, S.R.No.60641

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GSP(11/09/2018)

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