

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.12.2018

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15638 of 2018  
and  
W.M.P.No.18539 of 2018  
**AND**  
**WMP.NO. 25935 OF 2018**

P.Muthu Ramalingam

.. Petitioner

Vs.

1.The Sub-Registrar,  
Avanashi, Tiruppur District.

... Respondents

**2.Thullakamathur Primary Agricultural  
Co operative Society,  
rep. By its secretary,  
Thullakamathur, Avanashi,  
Thirupur**

**(Amended as per order of this Court  
made in WMP.25935/2018 in WP. 15638/2018  
dated 11.03.2019)**

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to register the sale deed dated 21.08.2017 kept as pending document P.No.120 of 2017 and return the original sale deed dated 21.08.2017 after due registration to the petitioner.

For Petitioner : Mr.S.Thangavel  
For Respondent R1 : Mr.T.M.Pappiah  
Special Government Pleader  
**\*R2 : Mr.V.Nicholas**

O R D E R

This Writ Petition has been filed seeking a direction to the respondent to register the sale deed dated 21.08.2017 kept as pending document P.No.120 of 2017 and return the original sale

deed dated 21.08.2017 after due registration to the petitioner.

**"2. Admittedly, the property was originally attached by the Deputy Registrar, Co-operative Societies, Tiruppur and there has been proceedings based on the same. The petitioner had purchased the said property on 21.08.2017 from one Sanjay and presented the sale deed for registration before the respondent. He has also paid necessary registration fee, computer charge, CD charge etc. along with subdivision charges of the property. However, the respondent has kept the said document pending as P.No.120 of 2017 and had not returned the sale deed inspite of repeated requests. The respondent by letter dated 18.09.2017 also has stated that a particular land was attached by the Deputy Registrar, Co-operative Societies and subsequently the attachment order was raised by the Principal District Judge, Tirupur. This Court vide order dated 09.08.2017 in C.R.P.No.3901 of 2013 had set aside the order raising the attachment and confirmed the order of attachment dated 31.08.2000 and 18.01.2000. The petitioner has also issued legal notice on 07.06.2018 through his counsel requesting the respondent to register and release the sale deed. As there is no response, the present Writ Petition has been filed.**

3. Heard Mr.S.Thangavel, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the respondent.

4. The learned counsel appearing for the petitioner also relied upon the decision reported in 2016(3) MLJ 562 (S.Praveen Bohra v. Joint-I Sub-Registrar), wherein, it is stated as follows:

"8. Thus, it is crystal clear that it is well settled principle of law that the order of attachment cannot be a bar to register the document. Therefore, I am of the view that there is no need for this petitioner to file an appeal. I am of the opinion that the sale of the subject property, pending the order of attachment is void only as against the claims enforceable under the order of said attachment and not in respect of other claims. Therefore, I am of the opinion that the sale of the property attached cannot be construed as illegal sale."

**"5. In view of the conspectus of the facts, this Court also of the opinion that the attachment is no bar for registering a document. Hence, the respondent-Sub Registrar is directed to register the document and release the same in favour of the**

**petitioner within a period of two weeks from the date of receipt of a copy of this order."**

6. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

Dated: 08/01/2019

**\* Amended as per order of this**

**Court dated 11/03/2019**

**Sd/-Assistant Registrar**

**Dated:22/03/2019**

//True Copy//

Sub Assistant Registrar

rsi

To

The Sub-Registrar,  
Avanashi, Tiruppur District.

**To be Substituted to the order  
already despatched on 06/02/2019**

**+2cc to Mr.Nicholas, Advocate, S.R.No. 23075, 23074**

**+1cc to Mr.S.Thangavel, Advocate, S.R.No.23793**

**+1cc to the Government Pleader, S.R.No.24240**

W.P. No.15638 of 2018

and

W.M.P.No.18539 of 2018

KJI (CO)  
CS/23/01/2019  
GN (22/03/2019)

सत्यमेव जयते

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