

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2018

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P. No.29619 of 2018
and W.M.P.No.34592 of 2018

M.Gurusamy

.. Petitioner

Vs.

1. The Sub Registrar,
The sub Registrar Office,
Gangavalli, Salem District.

2. M/s.Shriram Transport Finance Company Ltd.,
Cuddalore Main Road, Attur Town,
Salem District.

.. Respondents

PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the representation of the petitioner dated 24.07.2018 for removing the Attachment Order entry in Doc.No.4 of 2015 dated 22.06.2015 made in the Encumbrance Certificate of the petitioner property in S.No.471/6, Veeraganur Village, Gangavalli Taluk, Gangavalli Sub Registration District, Salem District.

For Petitioner : Mr.C.K.M.Appaji

For Respondent-1 : Mr.M.Thamizharasan,
Government Advocate

O R D E R

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

2. The petitioner has come up with this Writ Petition seeking direction to the first respondent to consider his representation dated 24.07.2018 for removing the Attachment Order entry in Doc.No.4 of 2015 dated 22.06.2015 made in the Encumbrance Certificate of the petitioner's property in S.No.471/6, situated at Veeraganur Village, Gangavalli Taluk, Gangavalli Sub Registration District, Salem District.

3. According to the learned counsel for the petitioner, the petitioner has submitted a representation dated 24.07.2018 seeking removal of the Attachment Order entry in Doc.No.4 of 2015 dated 22.06.2015 made in the Encumbrance Certificate of his property, but, the same is yet to be disposed of by the first respondent. Hence, the petitioner is before this Court.

4. Heard Mr.M.Thamizharasan, learned Government Advocate on behalf of the first respondent.

5. Considering the facts and circumstances of the cases and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the first respondent to consider the petitioner's representation dated 24.07.2018 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the second respondent herein and also affording due opportunity of hearing to the petitioner, second respondent herein as well as any of the interested parties, within a period of four 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 also closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Srn/av

To

1. The Sub Registrar,
The sub Registrar Office,
Gangavalli, Salem District.

+1cc to Mr.CKM.Appaji, Advocate, S.R.No. 79057
+1cc to the Government Pleader, S.R.No. 79591

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GN(04/12/2018)