

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.813 of 2019

1. S.Gandhi
2. S.Sivakiruthika
3. S.Saraswathi

.. Petitioners

Vs.

1. The District Registrar,
O/o, the District Registrar,
Erode, Erode District.
2. The Sub Registrar,
O/o, the Sub Registrar,
Chennimalai,
Erode District.

.. Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent herein to register the documents to be executed by the petitioners herein as absolute owners of the property in respect of land bearing Survey S.F.Nos.174/1, S.F.No.178/2, S.F.No.174/2, S.F.No.283/3, S.F.No.610/2, S.F.No.262/1, S.F.No.263/4, S.F.No.490/D and S.F.No.543/A total measuring in extent of 13.37.5 acres situate at Keeranur Village, Kangayam Taluk, Tiruppur District, as and when presented for registration without insisting on raising the order of attachment dated 27.04.2007 made in E.P.No.4 of 2006 on the file of the Fast Track Court, Dharapuram, in the light of the judgment dated 20.10.2016 made in A.S.No.88 of 2004 on the file of this Court.

For Petitioners : Mr.M.Venkadeshnan

For Respondents : Mr.T.M.Pappiah
Special Government Pleader

O R D E R

The instant Writ Petition has been filed for issuance of a Writ of Mandamus to direct the 2nd respondent to register

the documents to be executed by the petitioners as absolute owners of the property in respect of land bearing Survey S.F.Nos.174/1, S.F.No.178/2, S.F.No.174/2, S.F.No.283/3, S.F.No.610/2, S.F.No.262/1, S.F.No.263/4, S.F.No.490/D and S.F.No.543/A total measuring in extent of 13.37.5 acres situate at Keeranur Village, Kangayam Taluk, Tiruppur District, as and when presented for registration without insisting on raising the order of attachment dated 27.04.2007 made in E.P.No.4 of 2006 on the file of the Fast Track Court, Dharapuram, in the light of the judgment dated 20.10.2016 made in A.S.No.88 of 2004 on the file of this Court.

2. Admittedly, there has been an attachment to the property as reflected in the encumbrance certificate. The learned counsel for the petitioner represents that papers in execution proceedings are not available in Fast Track Court, Dharapuram, and he is unable to get any order from there. However, it is stated that the attachment was only for the purpose of maintenance against the husband.

3. There was a first appeal pending before this Court in A.S.No.88 of 2004, which was dismissed on 20.10.2016. The said first appeal was filed by the husband of the first petitioner and the father of petitioner Nos.2 and 3. In the said first appeal, it is recorded that mother of the first petitioner's husband and the petitioners have amicably settled the matter and they are not interested in prosecuting the appeal. Recording the same, the appeal was dismissed.

4. The attachment is against the property of the first petitioner's husband, and as on date he is dead. The legal heirs of the first petitioner's husband are the petitioners and mother of the deceased. When it was recorded in A.S.No.88 of 2004 that the mother of the deceased has amicably settled the matter with the petitioners, the order of attachment automatically abates.

5. Considering the judgment passed in the first appeal, the respondents are directed to consider and register the sale deeds as and when presented by the petitioners, if it is otherwise in order.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

asi

To

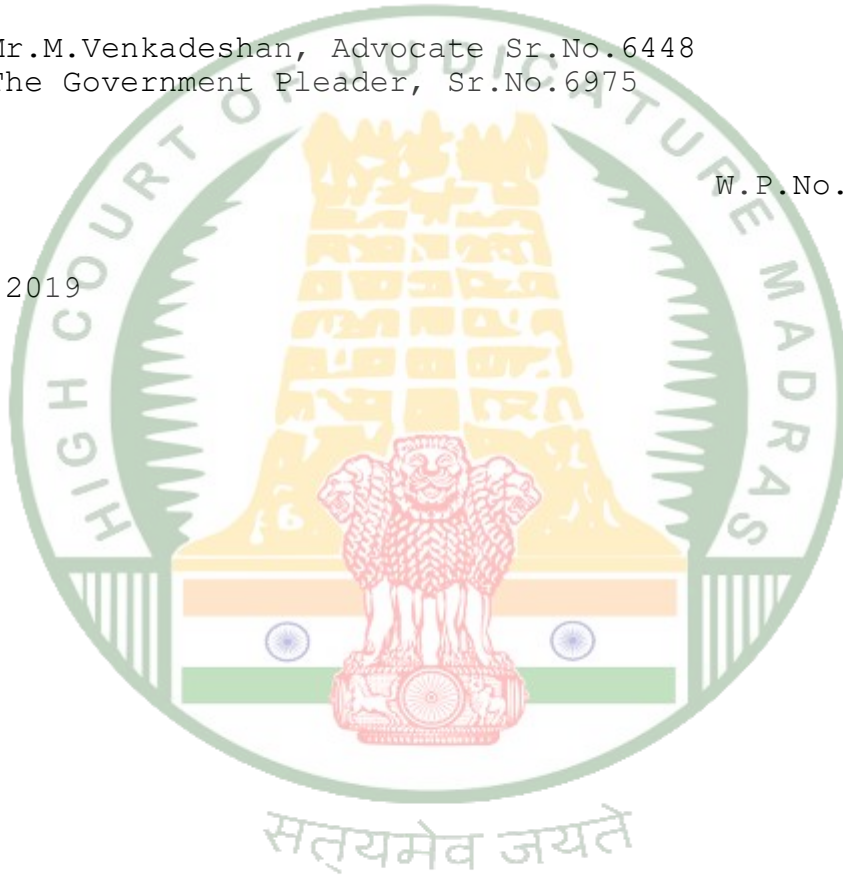
1. The District Registrar,
O/o, the District Registrar,
Erode, Erode District.
2. The Sub Registrar,
O/o, the Sub Registrar,
Chennimalai, Erode District.

+3 cc to Mr.M.Venkadeshnan, Advocate Sr.No.6448

+1 cc to The Government Pleader, Sr.No.6975

W.P.No.813 of 2019

GJ(CO)
CSL/22.02.2019



WEB COPY