



WEB COPY

In the High Court of Judicature at Madras

Dated : 06.3.2020

Coram

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No. 5641 of 2020

E. Velayutham

...Petitioner

Vs

1. The Sub-Registrar, o/o The Sub Registrar
Kadampuliyur & Post, Panruti Taluk,
Cuddalore District.

2. The District Registrar,
O/o The District Registrar,
Thiruppapuliyur, Cuddalore-2.

...Respondents

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for records of first respondent order Refusal Number : RFL/Kadampuliyur/1/2020 dated 28.1.2020, quash the same and direct the respondents to register the petitioner's sale deed dated on 09.1.2020, which was lodged with the first respondent Sub-Registrar office on 28.1.2020 with regard to the property in Keezhkankeyankuppam Village, Kadampuliyur Sub R.D., Cuddalore R.D. Survey No. 36/12 (Old Survey Nos. 56/3 and 56/6 in 2.70) in 1.08.0 Ares 1/3 share of the petitioner's property.

For Petitioner : Mr. L. Kannan

For Respondents : Mr. T. M. Pappiah, SGP

ORDER

I have heard Mr. L. Kannan, learned counsel for the petitioner and Mr. T. M. Pappiah, learned Special Government Pleader accepting notice for the respondents. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition seeking to quash the check slip issued by the first respondent refusing to register a sale deed presented by him for registration on the ground that there is an order of attachment on the property



passed by the Subordinate Court, Panruti in E.P.No.154 of 2004 and 72 of 2008 in O.S.No.82 of 2000 on the file of the District Munsif Court, Panruti.

3. The learned counsel for the petitioner submits that initially, the plaintiffs in the said suit obtained an ex parte order of attachment. Subsequently, the matter has become infructuous and the execution petitions had also been terminated. It is further submitted that the first respondent should not have refused the registration. It is also submitted that in the impugned refusal check slip, there is a reference to W.P.No.183 of 2020 filed by the petitioner and that the first respondent misunderstood the case to be an appeal as against the order of the civil court whereas W.P.No.183 of 2020 has been filed by the petitioner more or less for an identical relief as sought for in this writ petition, however, without any document being specifically mentioned. Therefore, the petitioner withdrew W.P.No.183 of 2020 on 07.1.2020.

4. This Court is unable to readily verify the contention that the order of attachment has been raised and that the execution petitions had been terminated because the legal heirs of the plaintiff in the said suit have not been impleaded as party respondents in this writ petition. Be that as it may, the first respondent can enquire into the matter and if the first respondent is satisfied that the order of attachment has been raised by the civil court, then it goes without saying that the encumbrance can be deleted. However, before doing so, the first respondent should enquire not only the petitioner, but also the legal heirs of the plaintiff in the said suit namely one Mr.Kasivel Padayachi.

5. In the light of the above, the writ petition is disposed of by directing the petitioner to file a representation before the first respondent enclosing the certified copies of all the records to show that the order of attachment passed by the civil court is no longer in force. If such a representation is filed, notice shall be issued to the petitioner as well as to the legal heirs of the plaintiff in the said suit and after enquiring the parties, a speaking order shall be passed and communicated to the petitioner. The above exercise shall be concluded within a period of eight weeks from the date, on which, the representation is submitted by the petitioner. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



RS

To

1. The Sub-Registrar, O/o The Sub Registrar,
Kadampuliyur & Post, Panruti Taluk,
Cuddalore District.

2. The District Registrar,
O/o The District Registrar,
Thiruppapuliyur, Cuddalore-2.

+lcc to Mr.L.Kannan, Advocate SR.20491

+lcc to the Government Pleader SR.20674

WP.No.5641 of 2020

MP(CO)
CB(10/07/2020)