

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.13210/2020

S.Venkatesan

.. Petitioner

Versus

1.The District Registrar
Hogenakkal Road,
Dharmapuri 636 810.

2.The Sub Registrar Joint II
Taluk Office Campus
Dharmapuri 636 701.

3.The Sundaram Finance Limited
rep.by its Senior Manager [Legal]
Mr.G.S.Narayana Krishnan
21, Patullos Road,
Chennai 600 002.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 2nd respondent herein to consider the petitioner's representation dated 18.08.2020 and register Settlement Deed dated 05.08.2020 vide pending document No.TP/93554460/2020 and allow all further encumbrances thereon within the time limit stipulated by this Court.

For Petitioner : Mr.S.Velmurugan

For RR 1 & 2 : Mr.T.M.Pappiah, Spl.GP

ORDER

(1) This writ petition has been filed for the issue of a writ of mandamus, directing the 2nd respondent to register the Settlement Deed dated 05.08.2020 and to release the same to the petitioner.

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(2) Heard the learned counsel for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader accepting notice on behalf of the respondents 1 and 2.

(3) On a careful perusal of the documents filed along with the writ petition, it is seen that the 3rd respondent had filed an application before this Court in Application No.5804 of 2015 and this Court, vide order dated 06.06.2016 had attached the subject property until further orders. The case of the petitioner is that the entire amount has been settled to the 3rd respondent and the 3rd respondent has also issued a No Objection on 31.07.2019. This letter was shown to the 2nd respondent when the Settlement Deed was submitted for registration. In spite of the same, document was not registered.

(4) In the considered view of this Court, till the Attachment Order passed by this Court remains in force, the 2nd respondent cannot act upon the No Objection Certificate given by the 3rd respondent and the 2nd respondent has to necessarily await for the lifting of the Attachment Order by this Court. If any document is registered in the meantime, it will tantamount to violating the orders passed by this Court. Therefore, the 2nd respondent was perfectly right in not entertaining the document submitted by the petitioner.

(5) It is the categorical case of the petitioner that the entire amount has been settled to the 3rd respondent and the 3rd respondent has also given the No Objection Certificate on 31.07.2019. The petitioner can very well file an application along with this No Objection Certificate and get the Attachment Order lifted. That will pave way for the 2nd respondent to entertain the documents submitted by the petitioner for registration. This will be the correct procedure to be adopted by the petitioner if the petitioner wants any document to be registered by the 2nd respondent with respect to the subject property. If the petitioner gets any order from this Court lifting the Order of Attachment and the same is furnished before the 2nd respondent, the 2nd respondent can thereafter entertain the document and register the same, if it is otherwise in order.

(6) This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

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To

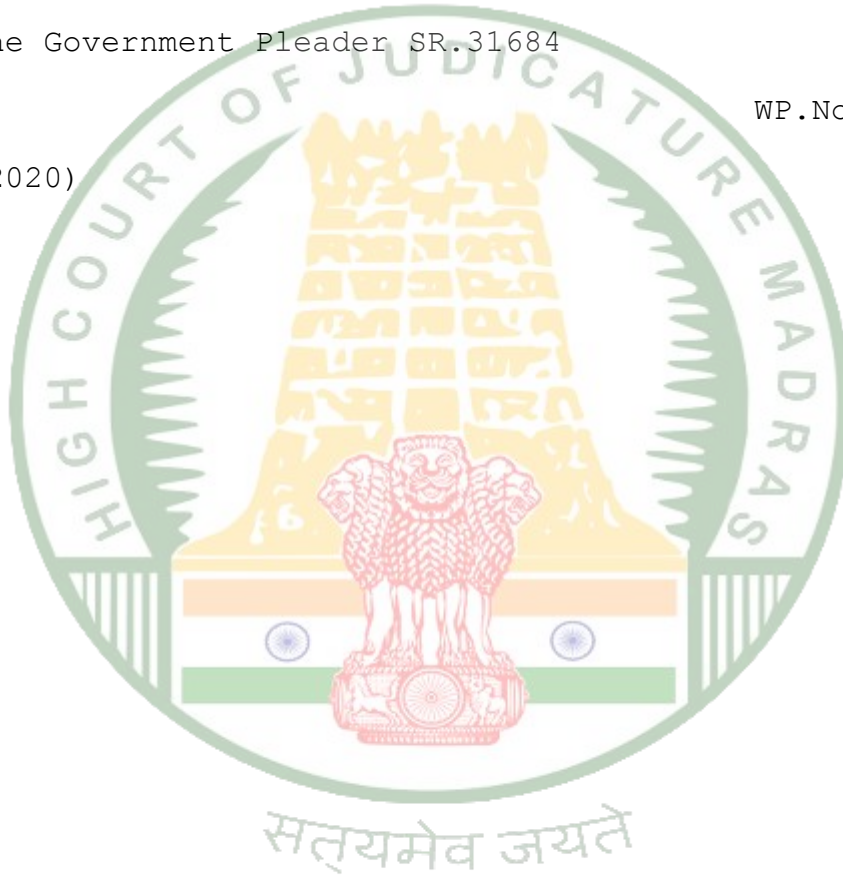
1.The District Registrar
Hogenakkal Road,
Dharmapuri 636 810.

2.The Sub Registrar Joint II
Taluk Office Campus
Dharmapuri 636 701.

+lcc to the Government Pleader SR.31684

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