

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.1627 of 2021

S.Ponnusamy

... Petitioner

Vs

1. The District Registrar
Salem District.

2. The Sub Registrar,
Edappadi Sub-Registrar Office
Edappadi
Salem District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd Respondent to delete the entry made in S.No.11/2017 dated 07-11-2017 in respect of the petitioner's property to an extent of 1.00 acre, comprised in Survey Nos.95/1B(9-cents), 95/1D (58-cents) and 95/2A (33-cents), situated at Konganapuram Village, Edappadi Taluk, Salem District, by considering the petitioner's representation dated 17-11-2020 within a stipulated time.

For Petitioner : Mr.N.Vijaya Baskar

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

सत्यमेव जयते
ORDER

The petitioner states that on 30.11.2012, he has entered into an agreement of sale with the owner of the properties in S.Nos. 95/1B (9-cents), 95/1D (58-cents) and 95/2A (33-cents) at Konganapuram Village, Edappadi Taluk, Salem District. Since the owner of the property failed to perform his part of the contract, the petitioner was constrained to file O.S.No.115 of 2015 before the I Additional District Court, Salem, and obtained a decree for specific performance. Later, he had the sale deed executed by the I Additional District Court, Salem in execution of the said decree, in R.E.P.No.1 of 2016. Be that as it may, suddenly an entry came to be made in Book-1, which discloses that the property has been attached by an order in I.A.No.1684/2007 in O.S.No.61/2017 under Order 38 Rule 5 of CPC, by the III Additional District Court, Kurnool. The petitioner now wants this entry to be dropped from Book-1.

2. Heard Mr.T.M.Pappiah, learned Special Government Pleader for the respondents.

3. In fitness of things, the petitioner ought to have moved the III Additional District Court, Kurnool, which passed the order in I.A.No1684/2017, to raise the attachment, upon satisfying the Court based on the merit of his title. The Sub Registrar being a statutory authority, it is not his/her duty to delete the entry in Book-1 made, pursuant to the orders of the competent civil Court. Since there is no statutory duty on him/her, this Court cannot direct him/her to do, which the statute does not enable him/her to do. The petitioner is at liberty to move the III Additional District Court, Kurnool for obtaining appropriate remedies, if he is so desirous.

4. The writ petition is disposed of in the manner indicated. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

ds

To:

1.The I Additional District Court,
Salem.

2.The III Additional District Court,
Kurnool.

3.The District Registrar
Salem District.

4.The Sub Registrar,
Edappadi Sub-Registrar Office
Edappadi
Salem District.

+1cc to the Government Pleader SR.10309

W.P.No.1627 of 2021

GPL (CO)
CB(24/03/2021)