

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 7/1/2021

C O R A M

THE HON'BLE MR.JUSTICE S.S.SUNDAR

WRIT PETITION NO.5305 OF 2017

S.Uma Rani

... Petitioner

Vs

1. The Sub-Registrar
Guduvanchery
G.S.T.Road
Kancheepuram District.

2. The Inspector General of Registrar
Santhome High Road
Chennai 600 004.

3. A.Subha ... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the first respondent to consider the representation dated 6/2/2017 an entry of attachment of the property must be made in S.No.134/3A1C patta No.2175 measuring an extent of 910 sq.feet.

For petitioner ... Mr.C.Samadharna Arasu

For respondents ... Mr.P.P.Purushothaman
Government Advocate
for R.R.1 and 2.

No appearance for R.3.

WEB COPY
O R D E R

This writ petition is filed for issuing a writ of mandamus, directing the first respondent, to consider the representation of the petitioner, dated 6/2/2017.

2. The petitioner states that he filed a suit in O.S.No.319 of 2014, for recovery of money against the third respondent and that he had obtained an order of attachment before judgment in

respect of the property in Vandaloor Village. The grievance of the petitioner is that order of attachment dated 5/6/2014, though was communicated to the first respondent, first respondent, viz., Sub-Registrar, Guduvanchery, has not so far entered in the appropriate register, the order of attachment.

3. A specific procedure is prescribed under Order 21 Rule 54 of the Civil Procedure Code to effect attachment. The present writ petition is not necessary. If an order of attachment is passed by the Civil Court, it has to be proclaimed in the manner prescribed. Section 64 of the Code of Civil Procedure protects the rights of attaching Creditor. Writ petition was filed in the year 2017. Hence, without prejudice to the rights of either parties, this Court is of the view that the first respondent can be directed to consider the representation, after issuing notice to the third respondent.

4. Accordingly, writ petition is disposed of ,with a direction to the first respondent to consider the representation of the petitioner and to pass appropriate orders or to take appropriate action, on the basis of the representation of the petitioner, dated 6/2/2017, after affording an opportunity to the third respondent, within a period of twelve weeks, from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Sub-Registrar
Guduvanchery, G.S.T.Road
Kancheepuram District.
2. The Inspector General of Registrar
Santhome High Road
Chennai 600 004.

+1cc to the Government Pleader, S.R.No.1120

W.P.No.5305 of 2017

UM(CO)
CS/18/02/2021