



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2827 of 2021

S.Saraswathy

... Petitioner

-Vs-

The Sub Registrar,
Sub Registrar Office,
Butlagundu,
Dindigul District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to remove/ delete the entry relating to the attachment order passed by the learned District Munsif Court, Nilakottai made in I.A.No.344 of 2009 in O.S.No.151 of 2009 from the encumbrance certificate Register of the petitioner's property document No.13/2009 by considering the petitioner's representation dated 28.11.2020 within a time stipulated by this Court.

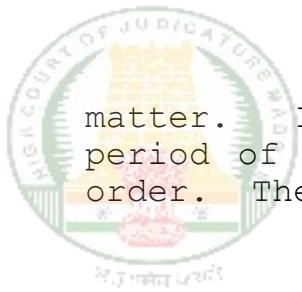
For Petitioner : Mr.R.Jegadeeswaran
For Respondent : Mr.K.Sathiya Singh
Additional Government Pleader

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner states that pursuant to the attachment order dated 28.10.2009 in I.A.No.344 of 2009 in O.S.No.151 of 2009 on the file of the District Munsif Court, Nilakkottai, encumbrance was created. The suit itself has been dismissed on 08.12.2010. The specific stand of the petitioner is that the said dismissal of Judgment and decree dismissing the suit has become final. However, the encumbrance created continues to remain. Therefore, the petitioner has given a representation seeking removal of the encumbrance.

3.The respondent is directed to enquire into the matter. If he is satisfied that the suit itself has been dismissed and it has become final, then of-course, encumbrance will have to be deleted. That will depend on the enquiry to be conducted by the respondents. I do not pass any order or give any finding on the merits of the



matter. It is for the respondent to pass final order within a period of eight weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CO)

WEB COPY // True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Sub Registrar,
Sub Registrar Office,
Butlagundu,
Dindigul District.

+1 CC to SPL GP (SR-5381[F] dated 16/02/2021)

W.P. (MD)No.2827 of 2021

15.02.2021

(SV2)

KV(24.02.2021) 2P 3C