



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.12512 OF 2015

AND

M.P.NO.1 OF 2015

J.Ameerbasha

... Petitioner

.Vs.

The Sub-Registrar,
Periamet,
Chennai - 3.

... Respondent

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondent from registering and releasing sale deed in respect of the property No.7/15, Kutty Naicken Street, Chintadripet, Chennai-2 pursuant to the protest letter dated 10.04.2015.

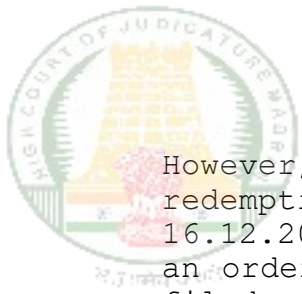
For Petitioner : Mr.G.Appavu

For Respondent : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

The writ petition has been filed to issue a Writ of Mandamus, forbearing the respondent from registering and releasing sale deed in respect of the property No.7/15, Kutty Naicken Street, Chintadripet, Chennai-2 pursuant to the protest letter dated 10.04.2015.

2. The petitioner mortgaged the property situated at No.7/15, Kutty Naicken Street, Chintadripet and obtained loan from Ari Raj & Company. The said company auctioned the property for the reason that the petitioner defaulted in repayment of loan amount. In the public auction, one Devan succeeds highest bidder and sale deed was executed in his favour on 09.06.2007.



However, the petitioner filed suit in O.S.No.777 of 2008 for redemption of mortgage and obtained exparte decree dated 16.12.2009. Thereafter, the said exparte decree was set aside by an order dated 26.02.2014. Aggrieved by the same, the petitioner filed civil revision petition in C.R.P.No.2542 of 2014 before this Court. Though this Court allowed the said civil revision petition and restore the suit, subsequently the said suit was dismissed in the year 2019. Therefore, there is absolutely no impediment for the respondent to register any sale deed or release deed in respect of the subject property.

3. Therefore, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, the writ petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dm

To

The Sub-Registrar,
Periamet,
Chennai - 3.

+1cc to the Government Pleader, S.R.No.3381

W.P.NO.12512 OF 2015

PCH(CO)
PBS/11/02/2022