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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2045 of 2022

S. Sathyakumar

.... Petitioner

Vs

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.

2. The District Registrar,
Salem District Collectorate Buildings,
Salem District.

3. The No.3 Joint Sub Registrar,
No.3 Joint Sub Registrar Office,
Salem District.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the third respondent to delete the court attachment order dated 30.11.2007 entry registered vide Doc.No.L1/2008, dated 30.11.2007, thereby make further entry in Index-II Column in respect of the petitioner's property to an extent of 6955 sq.ft. comprised in old survey Nos.1586, 1588 and 1589, New Town survey No.337, Door No.52B/2 situated at Shevapet, Salem city and pass a suitable order within a stipulated time by considering the petitioner's representation dated 26.08.2021.

For Petitioner : Mr.N.Vijaya Basker

For Respondents: Mr.Yogesh Kannadasan
Special Government pleader



ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the third respondent to delete the court attachment order dated 30.11.2007 entry registered vide Doc.No.L1/2008, dated 30.11.2007, thereby make further entry in Index-II Column in respect of the petitioner's property to an extent of 6955 sq.ft. comprised in old survey Nos.1586, 1588 and 1589, New Town survey No.337, Door No.52B/2 situated at Shevapet, Salem city and pass a suitable order within a stipulated time by considering the petitioner's representation dated 26.08.2021.

2. Heard, Mr.N.Vijaya Basker, learned counsel appearing for the petitioner and Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents.

3. The petitioner owned property comprised in old survey Nos.1586, 1588 and 1589, New Town survey No.337, Door No.52B/2 to an extent of 695 sq.f.t situated at Shevapet, Salem. The said land was purchased by the petitioner and his friend, by a registered sale deed dated 19.03.2010, from one S.Sithiranjana Doss, who is the power agent. After purchase, the petitioner is in possession and enjoyment of the subject property. When the petitioner approached the bank seeking loan, he came to know that the subject property was attached in R.E.P.No.5 of 2007 in O.S.No.87 of 2005 on the file of the Sub Court, Salem District and the same was entered in the encumbrance certificate. The petitioner applied for a copy before the Sub Judge, Salem and the order shows that the R.E.P.No.5 of 2007 in O.S.No.87 of 2005 was dismissed on 15.10.2008 and the order of attachment dated 30.11.2007 registered in L1/2008 was cancelled. Therefore, the petitioner made representation dated 26.08.2021 before the second and third respondents to delete the attachment. On receipt of the same, the third respondent, by a communication dated 27.08.2001, directed the petitioner to produce the original Court seal endorsement copy in respect of the dismissal of the above said execution petition for cancellation of the attachment order. Thereafter, the petitioner furnished a certified copy of the dismissal order and even on receipt of the same, the third respondent did not delete the attachment order and hence this writ petition.

4. Considering the facts, the third respondent is directed to conduct enquiry, after giving opportunity of hearing to the petitioner and, based on the dismissal of the execution petition in EP.No.5 of 2007 in O.S.No.87 of 2005, pass orders to delete



the entry of the attachment with regard to the property comprised in old survey Nos.1586, 1588 and 1589, New Town survey No.337 situated at Shevapet, Salem, within a period of four weeks from the date of receipt of copy of this order.

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5. With the above direction, this writ petitions is disposed of. No order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Inspector General of Registration,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar,
Salem District Collectorate Buildings,
Salem District.
3. The No.3 Joint Sub Registrar,
No.3 Joint Sub Registrar Office,
Salem District.

+lcc to M/s.Law Vision, Advocate Sr.7235
+lcc to the Government Pleader Sr.8037

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srg 17/03/2022