



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.5301 of 2020

N.Kalavathi

... Petitioner

-Vs-

1. The Sub Registrar,  
Thiruppathur Sub Registrar Office,  
Thiruppathur,  
Vellore District.

2. V. Jeyaraaman

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuance of the impugned proceedings in Na.Ka.No.395/2019 dated 05.12.2019 on the file of the first respondent and quash the same as devoid of merits and direct the first respondent to remove the encumbrance entry of attachment before judgment order on the file of the II Additional Subordinate Judge, Madurai dated 03.05.1995 from his office file with regard to the petitioner's properties in Survey No.225/2 to the extent of 1 acre 50 cents and S.No.239/4 to the extent of 80 cents totally 0.92.05 Hectare (Patta No.1429) and S.No.252/4A to the extent of 0.11.5 Hectare ( Patta No.1131) are situating at Gajalnaickenpatti, Thokkiam Village, Thirupattur Taluk, North Arcot District within the period stipulated by this Court.

For Petitioner : Mr.B.Thirumalai

For Respondents

For R1 : Mr.Yogesh Kannadasan  
Special Government Pleader

For R2 : Mr.S. Prabhu

ORDER

The Writ Petition has been filed to call for the records in pursuance of the impugned proceedings in Na.Ka.No.395/2019 dated 05.12.2019 on the file of the first respondent and quash the same as devoid of merits and direct the first respondent to remove the encumbrance entry of attachment



before judgment order on the file of the II Additional Subordinate Judge, Madurai dated 03.05.1995 from his office file with regard to the petitioner's properties in Survey No.225/2 to the extent of 1 acre 50 cents and S.No.239/4 to the extent of 80 cents totally 0.92.05 Hectare (Patta No.1429) and S.No.252/4A to the extent of 0.11.5 Hectare ( Patta No.1131) are situating at Gajalnaickenpatti, Thokkiam Village, Thiruppatur Taluk, North Arcot District within the period stipulated by this Court.

2. The case of the petitioner is that she owned property comprised in survey No.225/2 to the extent of 1.50 acres and the property comprised in S.No.252/4A to an extent of 80 cents under patta No.1429 and the property comprised in S.No.252/4A to an extent of 0.11.5 Hectare under patta No.1131, situated at Gejalnaickenpatti, Thokkiam Village, Thiruppatur Taluk, North Arcot District. Originally the subject properties were belonged to her husband G.Nagarajan and he settled the property in survey No.252/4A to the extent of 0.11.5 Hectare, in her favour by the settlement deed dated 09.02.2000. Thereafter, he also sold out the properties comprised in survey No.225/2 to the extent of 1.50 acres and S.No.239/4 to the extent of 80 cents to one Mahesh by the registered sale deed dated 15.02.2001. In turn, he sold out the entire property to the petitioner by the registered sale deed dated 14.07.2008.

3. Thereafter, the petitioner applied for encumbrance certificate and came to understand that an order of attachment before the judgment passed in I.A.No.86 of 1995 in O.S.No.311 of 1995 dated 03.05.1995 on the file of the II Additional Subordinate Court, Madurai, was found in the encumbrance. She also came to understand that the said suit was a money suit filed by the second respondent and the same was decreed exparte and the second respondent has been filed execution petition in I.A.No.86 of 1995 before the II Additional Subordinate Court, Madurai, to transmit the decree to file the execution petition before the jurisdictional Court and thereafter he has not filed any execution petition.

4. Heard Mr.B.Thirumalai, learned counsel appearing for the petitioner, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the first respondent and Mr.S.Prabhu, learned counsel appearing for the second respondent.

5. The learned counsel appearing for the petitioner submitted that the matter has been settled out of Court and the entire decree amount had been paid to the second respondent.



6. The learned counsel appearing for the second respondent concedes the submission made by the petitioner's counsel and he had no objection to remove the endorsement entry of attachment before the judgment in the encumbrance of the subject property.

7. Considering the above submission, the **\*first** respondent is directed to remove the encumbrance entry of attachment before judgment made in I.A.No.86 of 1995 in O.S.No.311 of 1995 in respect of the property comprised in Survey No.225/2 to the extent of 1 acre 50 cents and S.No.239/4 to the extent of 80 cents totally 0.92.05 Hectare (Patta No.1429) and S.No.252/4A to the extent of 0.11.5 Hectare ( Patta No.1131), situated at Gajalnaickenpatti, Thokkiam Village, Thiruppatur Taluk, North Arcot District, within a period of two weeks from the date of receipt of a copy of this Order.

8. With the above directions, the Writ Petition stands allowed. There shall be no order as to costs.

SD/-  
ASSISTANT REGISTRAR  
**Dated 21/01/2022**

// TRUE COPY //

**\*The Word Second Respondent in para 7 of the order dated 05/01/2022 is corrected as First Respondent as per order of Court dated 16/02/2022**

Sd/-  
ASSISTANT REGISTRAR (CS-VI)  
**Dated 25/02/2022**

SUB ASSISTANT REGISTRAR

rts  
To

The Sub Registrar,  
Thiruppathur Sub Registrar Office,  
Thiruppathur,  
Vellore District.

**Corrected order to the substituted to the order already despatched on 10/0/2022**

+1cc to Mr.B.Thirumalai, Advocate **\*Sr.9775**  
+1cc to the Government pleader Sr.1636

W.P. No.5301 of 2020

ra[co]  
srg 24/01/2022  
GMY (28/02/2022)