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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.28362 of 2021

A.Ravi

... Petitioner

Vs

1.The District Registrar,
Office of the Coimbatore Registration District,
No.102, State Bank Road,
Gopalapuram,
Coimbatore 641 018

2.The Sub Registrar,
Punjai Puliyampatti Sub-Registrar Office,
Gopichettipalayam,
Coimbatore District

... Respondents

Prayer :-

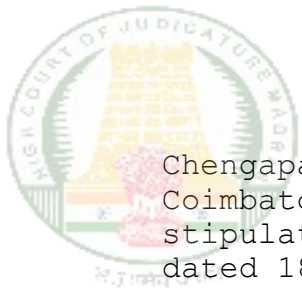
Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to delete the court attachment order dated 24.11.1992 entry registered vide Doc.No.01/1993 dated 13.01.1993, thereby make further entry in the column "document remarks" in respect of his property to an extent of 2.36 acres, comprised in survey Nos.281/7 and 281/5 situated at Akkarai Chengapalli Village, Annoor Panchayat Union, Annoor Taluk, Coimbatore District and to pass a suitable order within a stipulated time by considering the petitioner's representation dated 18.10.2021.

For Petitioner : Mr.N.Vijaya Basker

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader

ORDER

This writ petition has been filed for direction directing the second respondent to delete the court attachment order dated 24.11.1992 entry registered vide doc.No.01/1993 dated 13.01.1993, thereby make further entry in the column "document remarks" in respect of his property to an extent of 2.36 acres, comprised in survey Nos.281/7 and 281/5 situated at Akkarai



Chengapalli Village, Annoor Panchayat Union, Annoor Taluk, Coimbatore District and to pass a suitable order within a stipulated time by considering the petitioner's representation dated 18.10.2021.

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

3. The petitioner owned property comprised in survey No.281/7 to an extent of three acres and the land comprised in survey No.281/5 to an extent of 4 ½ cents situated at Akkarai Chengapalli Village, Annoor, Coimbatore. Originally the said land was purchased by the petitioner's vendor's father by the registered sale deed dated 27.01.1981. He died intestate leaving behind his three sons and one daughter to inherit his estate. There was money dispute between the petitioner's vendor's father and Maravannan. After demise of the petitioner's vendor's father, the said Maravannan filed suit for recovery of money in OS.No.2447 of 1984 on the file of the District Munsif Court, Coimbatore. It was decreed exparte on 16.07.1985 and thereafter he filed execution petition in EP.No.33 of 1986. While pending the execution petition, the legal heirs i.e. vendors of the petitioner filed petition to set aside the exparte decree and the same was allowed on 17.09.1986 and the execution petition was also closed. However, after full-fledged trial, the said suit was decreed and in pursuant to the decree, the said Maravannan filed EP.No.93 of 1990 and attached the subject property by order dated 24.11.1992 and got registered on 13.01.1993 vide document No.1 of 1993 in the Office of the second respondent herein. Vendors of the petitioner had settled their amount out of Court and entered into compromise in the execution proceedings. On recording the compromise, the executions proceedings was dismissed as not pressed and the same is also reflected in the suit register. However, the attachment order of entry was reflected in the encumbrance certificate in respect of the subject property. Therefore, the petitioner submitted representation to the respondents in order to delete the entry made in the encumbrance with regards to the attachment of the subject property.

4. Considering the above, the second respondent is directed to conduct enquiry after giving opportunity of hearing to the petitioner and, based on the compromise memo and dismissal of the execution petition in EP.No.93 of 1990, pass orders to delete the entry of the attachment with regards to the property comprised in survey Nos.281/7 and 281/5 situated at Akkarai Chengapalli Village, Annoor Panchayat Union, Annoor Taluk, Coimbatore District, 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 (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The District Registrar,
Office of the Coimbatore Registration District,
No.102, State Bank Road,
Gopalapuram,
Coimbatore 641 018

2.The Sub Registrar,
Punjai Puliampatti Sub-Registrar Office,
Gopichettipalayam,
Coimbatore District

+1cc to the Government Pleader, S.R.No.1642

WP.No.28362 of 2021

AK-II (CO)
SB(24/01/2022)