



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3857 of 2022

WEB COPY

Chelladurai

... Petitioner

/Vs./

The Sub Registrar,
Sub Registrar Office,
Devakottai,
Sivagangai District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to delete the entries of attachment in respect of petitioner's property in Survey Nos.118/1, 118/3, 118/5, 118/8, 130/6b, 118/9A1, 17/7A situated at Poosalakudi Village, Devakottai Taluk by considering the representation of the petitioner dated 29.01.2022.

For Petitioner : Mr.J.Anand Kumar
For Respondent : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to delete the entries of attachment in respect of petitioner's property in Survey Nos.118/1, 118/3, 118/5, 118/8, 130/6b, 118/9A1, 17/7A situated at Poosalakudi Village, Devakottai Taluk by considering the representation of the petitioner dated 29.01.2022, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that he is the owner of the aforementioned property. Earlier, due to the default committed by him with M/s.Sundaram Finance Limited, Karaikudi, there was an order of attachment passed by the Civil Court in the year 2014. According to the petitioner, he has now discharged the entire dues payable to M/s.Sundaram Finance Limited, Karaikudi, and also produced No Due Certificate. But, according to the petitioner, despite the same, the respondent has not deleted the attachment effected in the encumbrance certificate. In such circumstances, he has given a representation on 29.01.2022 to the respondent for deletion of the attachment orders. Since the representation has not been considered till date, he has filed this writ petition.



3. Heard Mr.J.Anand Kumar, learned Counsel for the writ petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader, who accepts notice on behalf of the respondent.

4.No prejudice would be caused to the respondent, if the representation of the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner as well as M/s.Sundaram Finance Limited, Karaikudi, who obtained an order of attachment in the year 2014.

5.Accordingly, this Court directs the respondent to consider the representation dated 29.01.2020 seeking for deletion of the entries of attachment in respect of the property in Survey Nos.118/1, 118/3, 118/5, 118/8, 130/6b, 118/9A1, 17/7A situated at Poosalakudi Village, Devakottai Taluk, after affording a fair hearing to the petitioner and M/s.Sundaram Finance Limited, Karaikudi, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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,
Devakottai, Sivagangai District.

+1 CC to M/s.J.ANANDKUMAR, Advocate (SR-9567[F] dated 02/03/2022)
+1 CC to M/s.SPL GP (SR-9699[F] dated 03/03/2022)

order made in

W.P. [MD]No.3857 of 2022

Dated:**02.03.2022**

SB (CO)

TR (17.03.2022) 2P 4C

<https://hcservices.ecourts.gov.in/hcservices/>