



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.4525 of 2022

A.Ponraj

... Petitioner

Vs.

1.The Sub Registrar,
Aruppukkottai Sub-Registrar Office,
Aruppukkottai,
Virudhunagar District.

2.The Manager,
South India Bank,
Aruppukkottai Branch,
Aruppukkottai,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to release the Court attachment made in survey numbers 10/3A2, 10/3A and 10/3 with its sub-divisions with corresponding new survey numbers in Kattakanjampatti Village, Aruppukkottai Taluk, Virudhunagar District based upon the letter by the second respondent bank dated 05.09.2019 and based upon the representation of the petitioner dated 08.03.2022 enabling the petitioner to register any document for his property in the first respondent's register office.

For Petitioner : Mr.K.K.Kannan

For Respondent No.1 : Mr.J.John Rajadurai
Government Advocate

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to release the Court attachment made in Survey Nos.10/3A2, 10/3A and 10/3 with its sub-divisions with corresponding new survey numbers in Kattakanjampatti Village, Aruppukkottai Taluk, Virudhunagar District based upon the letter of the second respondent dated 05.09.2019 and based upon the



representation of the petitioner dated 08.03.2022, within a time frame to be fixed by this Court.

2.The petitioner claims that earlier **(*)some third parties** have borrowed money from the second respondent bank. According to him, subsequently the said loan was discharged and bank has also confirmed the same by its letter dated 05.09.2019. However, till date, the bank has not taken steps to raise the order of attachment which was earlier issued in respect of the petitioner's properties. The petitioner has given representations on various dates and the last such representation was on 08.03.2022. Since the said representations have not been considered till date and the attachment order subsists, the petitioner has filed this writ petition.

3.Heard Mr.K.K.Kannan, learned Counsel appearing for the petitioner and Mr.J.John Rajadurai, learned Government Advocate who accepts notice on behalf of the first respondent.

4.The petitioner has produced a letter dated 05.09.2019 issued by the second respondent bank stating that the **(*)third party's** loan account has been closed and that they will be taking necessary steps for filing petitions before the Debt Recovery Tribunal for raising the order of attachment passed against **(*)third parties** in respect of **(*)their** properties. According to the petitioner, till date no steps have been taken to raise the order of attachment. He has given representations as referred to supra to the respondents calling upon them to raise the order of attachment. Since the order of attachment passed against the petitioner's properties has not been raised till date, he has filed this writ petition.

5.No prejudice would be caused to the first respondent if the petitioner's representation is considered on merits and in accordance with law after affording a fair hearing to the second respondent and other necessary party whom the first respondent deems fit to enquire.

6.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 08.03.2022 seeking for raising the order of attachment in respect of the properties comprised in Survey Nos.10/3A2, 10/3A and 10/3 with its subdivisions with corresponding new survey numbers in Kattakanjampatti Village, Aruppukkottai Taluk, Virudhunagar District, based on the letter of the second respondent bank dated 05.09.2019 and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner and the second respondent and any other necessary party whom the first respondent deems fit to enquire within a period of twelve [12] weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS-III)

(*) Corrected as per the order of this Court dated 01/04/2022 made in WP(MD).NO.4525 of 2022

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

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

(*) To be substituted to the order already Despatched on 29.03.2022

The Sub Registrar,
Aruppukkottai Sub-Registrar Office,
Aruppukkottai,
Virudhunagar District.

+1 CC to M/s.K.K.KANNAN, Advocate (SR-12319[F] dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-12510[F] dated 16/03/2022)

W.P. [MD]No.4525 of 2022

15.03.2022

RK(25/03/2022) 3P 4C

RK (18/04/2022) 3P 4C