



W.P(MD)No.13949 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13949 of 2022

R.Dharmalingam

... Petitioner

Vs.

The Joint Sub Registrar No.1,
O/o. Joint Sub Registrar No.1,
Court Campus, Cantonment,
Trichy – 620 001.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent dated on 21.06.2022 in Na.Ka. in pending document No.P38/2022 dated 30.03.2022 and to quash the same as erroneous, illegal and consequently, to direct the respondent to register the sale deed in TP No.TP/115326501/2022 in P.No.38 of 2022 dated 30.03.2022 and return the said original document of sale deed after due registration to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.K.Govindarajan,
For Mr.T.N.Karthikeyan

For Respondent : Mr.K.S.Selvaganesan,
Addl. Government Pleader.



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ORDER

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Heard the learned counsel on either side.

2.The petitioner had purchased the petition mentioned property. The sale deed was entertained but it has been kept as pending document. The registration formalities have not been completed. The respondent had passed the impugned order declining to release the document on the ground that there is a Court attachment. It is well settled that if there is subsisting order of attachment passed by the jurisdictional Court, it would continue to remain notwithstanding the alienation. By releasing the document in question, the rights of the person who obtained attachment will not in any way be affected. In other words, the petitioner cannot claim a greater right than the one enjoyed by his vendor.

3.In this view of the matter, impugned order is set aside and the writ petition is allowed. The respondent is directed to complete the registration formalities and release the petition mentioned document. No costs.

03.08.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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