



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15341 of 2022 &
W.M.P.(MD)Nos.10983 & 10984 of 2022

S.Jesuraj,
S/o.Savarimuthu,
(Retired) Senior Clerk,
197, Manapparai Primary Agriculture Co-op. Credit Society,
No.4, Agraharam Street, Manapparai,
Tiruchirappalli District. ... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Government Multipurpose Official Building,
Kajamalai,
Tiruchirappalli – 20.
2. The Sub Registrar,
Sub Registration Office,
Manapparai Sub Registration,
Tiruchirappalli District. ... Respondents

Prayer : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in connection with the attachment order before Judgment passed by the first respondent in his impugned order in CEP No.2/2017-18 in RC No.248/2017/SF1 dated 20.09.2017 and quash the same and consequently direct the respondents to release the encumbrance attached to the property within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.K.Gurunathan

For Respondents: Mr.M.Senthil Ayyanar,
Government Advocate.

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ORDER

Heard the learned counsel on either side.

2. The petitioner questions the impugned order of attachment dated 20.09.2017 on a number of grounds.

3. When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents submitted that the writ petition has become infructuous because final order dated 11.01.2018 was already passed even before the filing of this writ petition making the attachment absolute.

4. Be that as it may, it has been convincingly



demonstrated before me that the petition mentioned property was settled by the petitioner in favour of his son James Alexander on 07.09.2012 (document No.5612 of 2012) on the file of the second respondent / Sub Registrar, Manapparai. When the property had already changed hands, the first respondent could not have passed the impugned order of attachment. On this sole ground, the attachment order passed in respect of the petition mentioned property is set aside. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.07.2022

Index : Yes / No

Internet : Yes/ No

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To:

1. The Deputy Registrar of Co-operative Societies,
Government Multipurpose Official Building,
Kajamalai, Tiruchirappalli – 20.
2. The Sub Registrar,
Sub Registration Office,
Manapparai Sub Registration,
Tiruchirappalli District.

G.R.SWAMINATHAN,J.



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