



W.P.(MD).No.30 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.30 of 2015

A.Durai Pandi

... Petitioner

Vs.

1.The Inspector General of Registration,
Registration Department,
Santhome,
Chennai-600 028.

2.The District Registrar,
Madurai District,
Madurai-1.

3.The Sub Registrar,
Sholavandan Post,
Madurai North Taluk,
Madurai District.

4.The Margadarsi Chits Private Limited,
Represented by its Foremen B.Chandrasekar.

5.The Deputy Registrar of Chits,
Madurai South,
Madurai.

... Respondents



W.P.(MD).No.30 of 2015

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 on the file of the third respondent in Check Slip order dated 08.08.2014 and quash the same as illegal, ultra vires and unconstitutional and consequently direct the third respondent to register the power deed dated 08.08.2014 and the consequent subsequent deeds.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.K.S.Selvaganesaan
Additional Government Pleader
for R1 to R3
Mr.R.Devaraj
for R4

ORDER

The present writ petition has been filed by the guarantor to a chit subscriber challenging an order of the third respondent herein, under which he has refused to entertain a document on the ground of pending attachment.

2. It is the case of the petitioner that he stood as a guarantor for one Bala Subramaniam, who was a subscriber to the chit run by the fourth respondent. Due to default in paying the subscription, the fourth



W.P.(MD).No.30 of 2015

respondent had approached the Registrar of chits, who had passed an order of attachment on 08.11.2011, attaching the properties of the writ petitioner invoking Section 68 of the Chit Funds Act, 1982. The said order of attachment has also incorporated in the encumbrance certificate.

3. The petitioner had approached the third respondent Sub Registrar for registering a power of attorney in favour of his wife for the purpose of alienating the property under attachment. The third respondent Sub Registrar had issued the impugned cheque slip on 08.08.2014 refusing to entertain the said document for registration on the ground of pendency of the attachment order. The said order of the third respondent is under challenge in the writ petition.

4. The learned counsel for the petitioner had contended that the document that was sought to be registered is only a power of attorney and it is not a conveyance deed. Hence, the third respondent would not have any legal impediment in registering the said document. However, the learned counsel appearing for the fourth respondent had contended



W.P.(MD).No.30 of 2015

that the power of attorney has been executed by the writ petitioner in favour of his wife only for the purpose of negotiating and alienating the property under attachment. Hence, the petitioner had taken the first step for alienating the attached properties. He further contended that the impugned cheque slip has been rightly issued by the third respondent herein.

5. I have carefully considered the submissions made on either side.

6. There is no dispute that the property of the petitioner has been attached by the fifth respondent herein by his order, dated 08.11.2011. No steps have been initiated by the writ petitioner to raise the order of attachment or make the payment to raise the order of attachment. When the order of attachment is in subsistence, the third respondent has rightly refused to register a document, which is an attempt to alienate the property under attachment.



W.P.(MD).No.30 of 2015

7. Hence, I do not find any illegality or infirmity in the impugned cheque slip herein issued by the third respondent herein. This Writ Petition is dismissed. No costs.

07.07.2022

Index : Yes / No
Internet : Yes / No
gbg

To

- 1.The Inspector General of Registration,
Registration Department,
Santhome,
Chennai-600 028.
- 2.The District Registrar,
Madurai District,
Madurai-1.
- 3.The Sub Registrar,
Sholavandan Post,
Madurai North Taluk,
Madurai District.



WEB COPY



W.P.(MD).No.30 of 2015

R.VIJAYAKUMAR ,J.

gbg

Order made in
W.P.(MD).No.30 of 2015

07.07.2022