



W.P.(MD).No.24686 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24686 of 2022

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... Petitioner

VS.

The Sub Registrar,
Alanganallur
Madurai District.

... Respondent

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to remove the entry made by the respondent in the encumbrance book with respect to order of attachment before judgment in I.A.No.130/2014 in O.S.No. 372/2014 on the file of Additional Sub Court, Madurai, by taking note of the compromise decree in respect of property in S.No.56/1A situated in Keelachinnampatti Village, Vadipatti Taluk, Madurai District, within the time stipulated by this Court, in the light of petitioners representation dated 09.09.2022.



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For Petitioner : Mr.S.Prabhu
For Respondent : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondent to remove the entry made by the respondent in the encumbrance book with respect to the order of attachment before judgment in I.A.No.130/2014 in O.S.No.372/2014 on the file of Additional Sub Court, Madurai, by taking note of the compromise decree in respect of the property in S.No.56/1A situated in Keelachinnampatti Village, Vadipatti Taluk, Madurai District.

2. Heard Mr.S.Prabhu, learned counsel appearing for the petitioner and Mr.S.R.A.Ramachandran, learned Additional Government Pleader appearing for the respondent.

3. The case of the petitioner is that she has purchased the property from one Meena vide Document No.1552/2016, dated 18.04.2016. Before purchasing the said property, there was a money dispute between



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the said Meena and one K.A.Muthukumar. Therefore, a civil suit was instituted against the said Meena in O.S.No.372 of 2014 before the Additional Sub-Court, Madurai for recovery of money. An interlocutory application was also filed along with the said suit for attachment before judgment. Since the petitioner's vendor failed to furnish security, there was an order of attachment before judgment in I.A.No.130/2014 and the same was also entered in the Encumbrance Book of the respondent herein. Since there is no pendency of suit, the petitioner has purchased the said property in S.No.56/1A to an extent of 19 cents. While so, the said suit was restored for the purpose of entering into the compromise between the petitioner's vendor and the plaintiff K.A.Muthukumar and the petitioner's vendor settled the entire amount to the plaintiff K.A.Muthukumar. Thereafter, the petitioner has approached the Bank to avail a loan by mortgaging the said property and he came to know that the order of attachment before judgment is reflecting in the encumbrance certificate, despite the main suit was compromised in favour of his vendor. Therefore, he cannot avail any financial assistance from the Bank. In this regard, he has made a representation to the respondent on



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09.09.2022. But, so far EC entry is not yet removed by the respondent.

Hence, the present writ petition has been filed.

4. Considering the above said facts, this Court directs the petitioner to produce all the relevant documents before the first respondent and the first respondent is directed to remove the entry made in the Encumbrance Book with respect to the order of attachment before judgment in I.A.No.130/2014 in O.S.No.372/2014 on the file of Additional Sub Court, Madurai, by considering the compromise decree in respect of the property in S.No.56/1A situated in Keelachinnampatti Village, Vadipatti Taluk, Madurai District. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

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To

The Sub Registrar,
Alanganallur
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V.BHAVANI SUBBAROYAN,J.

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