



WEB COPY



W.P.No.10170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20.04.2023

CORAM

THE HONOURABLE Mr. JUSTICE M.S.RAMESH

W.P.No.10170 of 2023

M/s.Mahil Enterprises
Rep. by its Partner
R.Mathiyalagan

.. Petitioner

Vs.

The Sub Registrar
Punjai Puliampatty
Gobichettipalayam
Erode District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Mandamus directing the respondent to register the documents in respect of the properties comprised in survey Nos.R.S.No.327/1 and R.S.No.327/3, without insisting an order raising or cancelling the attachment order made in I.A.No.112 of 2016 in O.S.No.37 of 2016 on the file of the II Additional District Judge, Prodatuur, Kadappa District, Andhra Pradesh.

For Petitioner	:	Mr.R.Asokan
For Respondent	:	Mr.Yogesh Kannadasan Special Government Pleader



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ORDER

WEB COPY This petition is filed for a direction to the respondent to register the documents in respect of the properties comprised in survey Nos.R.S.No.327/1 and R.S.No.327/3, without insisting an order raising or cancelling the attachment order made in I.A.No.112 of 2016 in O.S.No.37 of 2016 on the file of the II Additional District Court, Prodatuur, Kadappa District, Andhra Pradesh.

2. At the outset, it needs to be pointed out that in the prayer portion, the year of the Interlocutory Application has been stated as 2006. When the suit itself was instituted only in 2016, the Interlocutory Application filed in the said suit cannot be of the year 2006. Hence, this Court proceeds on the basis that the Interlocutory Application was filed in 2016 and not in 2006, as stated in the prayer portion of this petition.

3. Heard Mr.R.Asokan, learned counsel for the petitioner as well as Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondent and perused the materials available on record.



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4. Section 22-B(3) of the Registration Act, 1908, empowers the Sub Registrar to refuse registration, on the ground that there is an attachment by a Court of law over the subject property. The present impugned Check Slip also states that an attachment order has been passed by a Civil Court in I.A.No.112 of 2016 in O.S.No.37 of 2016 and therefore, refused registration. The reason assigned is in confirmation with Section 22-B(3) of the Act and hence, there is no infirmity in the reason. The petitioner always be at liberty to have the attachment order lifted, by taking appropriate proceedings.

With the above observation, the Writ Petition is dismissed.
No costs. Connected Miscellaneous Petition is closed.

20.04.2023

Index : Yes/No
Neutral Citation : Yes/No
gya

To
The Sub Registrar
Punjai Puliampatty
Gobichettipalayam
Erode District



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M.S.RAMESH, J.

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