



WEB COPY

W.P.No.24523 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.24523 of 2023

P.Kamaraj

... Petitioner

Vs.

1.The Inspector General of Registration,
100, Santhome High Road,
Santhome,
Chennai – 600 024.

2.The District Registrar,
Thathakapatty Sub Registration Office,
Combined Building Campus,
Kamarajar Nagar Colony,
Ammapettai,
Salem – 3.

3.The Sub-Registrar,
Thathagapatti Sub-Registration Office,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records from the second respondent relating to the impugned order passed in Na.Ka.No.3253/A3/2023 dated 22.05.2023 and quash the same and further direct the second respondent to remove the entry in encumbrance certificate No.92985463/2023 Entry No.9.



WEB COPY

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For Petitioner : Mr.D.Ashokkumar

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader

ORDER

The order impugned dated 22.05.2023 was issued by the District Registrar, Salem stating that he has no power to remove the attachment of Court entered in the encumbrance certificate.

2. The order impugned states that the attachment by the Court is to be removed by the Court itself. However, in respect of the said attachment, made pursuant to the interim order passed in O.S.No.30 of 2003 (O.S.No.521/2000), the learned counsel for the petitioner states that the suit itself has been dismissed as settled out of court by the Additional District Court at Salem. A copy of the said order passed by the learned Additional District Judge dated 11.11.2003 has been enclosed along with the typed set of papers filed in the present writ petition.

3. The said suit was dismissed as settled out of court. When the suit itself has been settled, the entries made regarding the interim attachment is to be removed from the encumbrance certificate.



4. The learned counsel for the petitioner states that a copy of the Judgment has already been placed before the respondents 2 and 3.

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5. That being the factum, the respondents 2 and 3 are directed to verify the order passed by the learned Additional District Judge (FTC-I), Salem in O.S.No.30 of 2003 (O.S.No.521/2000) and accordingly, make necessary entries by removing the entries already made in the encumbrance certificate maintained by the registering authority. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this Order.

6. With this direction, the writ petition stands allowed. No costs.

30.08.2023

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Index : Yes

Speaking order



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To

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WEB COPY

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S.M.SUBRAMANIAM, J.

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