



WEB COPY

W.P.No.22586 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.07.2023**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.22586 of 2017**

**and**

**W.M.P.No.23705 of 2017**

M.Gurusamy

... Petitioner

Vs.

1.The Sub Registrar,  
The Sub Registrar Office,  
Gangavalli, Salem District.

2.M/s.Shriram Transport Finance Company Ltd.,  
Cuddalore Main Road, Attur Town,  
Salem District.

... Respondents

[R2 impleaded as per order dated 11.09.2017 in  
WMP.No.25357 of 2017 in WP.No.22586 of 2017]

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to remove the Attachment Order entry in Document No.4 of 2015 dated 22.06.2015 made in the Encumbrance Certificate of petitioner property in S.No.471/6, Veeraganur Village, Gangavalli Taluk, Gangavalli Sub Registration District, Salem District and thus render justice.



For Petitioner : Mr.C.K.M.Appaji  
For R1 : Mr.E.Sundaram  
Government Advocate  
For R2 : No Appearance

### **ORDER**

The relief sought for in the present writ petition is to direct the respondent to remove the Attachment Order entry in Document No.4 of 2015 dated 22.06.2015 made in the Encumbrance Certificate of petitioner property in S.No.471/6, Veeraganur Village, Gangavalli Taluk, Gangavalli Sub Registration District, Salem District.

2. It is not in dispute that the entry regarding attachment was made in the Document No.4 of 2015 dated 22.06.2015 at the instance of the second respondents M/s.Shriram Transport Finance Company Limited. The petitioner seems to be a defaulter and therefore, an order of attachment was issued.

3. If at all the petitioner wants to remove the attachment order entry in the document, he has to secure an order from the Competent Forum and



produce the same before the first respondent / Sub-Registrar for cancelling the entries already made. The Sub-Registrar cannot suo-moto remove the attachment order, which is otherwise made at the instance of the second respondent through an order from the Competent Forum. Thus, the petitioner is at liberty to approach the Competent Forum.

4. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**04.07.2023**

Jeni  
Index : Yes  
Speaking order  
Neutral Citation : Yes

To

The Sub Registrar,  
The Sub Registrar Office,  
Gangavalli, Salem District.



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**S.M.SUBRAMANIAM, J.**

Jeni

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