



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.29855 of 2023

Stella Mary

... Petitioner

Vs.

1. The Inspector General of Registration
No.100, Santhome High Road,
Mylapore, Chennai - 4

2. The Sub-Registrar
Sub-Registrar Office,
Thandarampattu
Tiruvannamalai

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Certiorarified Mandamus to call for the entire records relating to the impugned order dated 05.09.2023 in proceedings No.RFL/Thandarampattu/170/2023, Sub-Registrar, Thandarampattu, by the 2nd respondent herein and quash the same and consequently direct the 2nd respondent to register the release deed dated 05.09.2023 presented for registration by the petitioner and return the same to petitioner.

For Petitioner : Mr.M.Selvam for
Mr.K.Venkateswaran

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

**ORDER**

This Writ Petition is filed seeking a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order dated 05.09.2023 in proceedings No.RFL/Thandarampattu/170/2023, Sub-Registrar, Thandarampattu, by the 2nd respondent herein and quash the same and consequently direct the 2nd respondent to register the release deed dated 05.09.2023, presented for registration by the petitioner and return the same to petitioner.

2. The contention of the petitioner is that the petitioner and her sister had executed a release deed and presented the same before the 2nd respondent herein on 05.09.2023. But the 2nd respondent refused the check slip No.RFL/Thandarampattu/170/2023 dated 05.09.2023 on the ground that the said property is attached for the loan availed by their father Arulanantham from the Vanapruam State Bank of India and the said attachment is yet to be raised. According to the petitioner, she is not aware of the attachment order. Her father did not execute any document and the mortgage deed in the year 1997 and that her father died in the year 2020. Even after 26 years, no one had approached the petitioner to settle the amount nor had taken any action to



recover the money. The petitioner is the original owner and she is in possession of the property. The 2nd respondent has no power to reject the release deed in respect of the above said reasons. Therefore, the impugned order passed by the 2nd respondent is liable to be set aside.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused the records.

4. The petitioner is directed to file an appropriate application before the Civil Court where the attachment order was passed and after raising the attachment, to present the document before the Sub Registrar who shall after notifying all the necessary parties, register the document.

5. With the above directions, the writ petition is disposed of at the admission stage itself. However, there shall be no order as to costs.

16.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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To

1. The Inspector General of Registration
No.100, Santhome High Road,
Mylapore, Chennai - 4
2. The Sub-Registrar
Sub-Registrar Office,
Thandarampattu
Tiruvannamalai

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P.VELMURUGAN. J.

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