



WEB COPY



W.P.No.32891 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32891 of 2023

B.Hariprasad

...

Petitioner

/vs/

1.The Sub Registrar,
Sub-Registrar Office,
Madhavaram, Chennai – 600 060.

2.The Inspector General of Registration,
100, Santhome High Road,
Chennai – 600 028.

3.The Authorised Officer (Zonal Office)
Andhra Bank,
Now amalgamated to Union Bank of India,
No.168, Linghi Chetty Street,
Chennai – 600 001.

...

Respondents

PRAYER : The writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent Sub-Registrar, Madhavaram, Chennai – 600 060 to delete the entry of attachment in the encumbrance Certificate made on 18.02.2020 at the instance of Arbitrator, North and South Chennai Chit Fund in pursuant to the ARC proceedings by Margadharsi Chit Funds in compliance with the order dated 06.02.2023 in W.P.No.7915 of 2020 passed by this Court in respect of the petition property bearing Plot No.18, West part, Swamy Nagar, comprised in Survey No.1395 (part) as per patta Survey No.1395/13, Madhavaram Village, Ambattur Taluk, Thiruvallur District measuring an extent of 1,150 sq.ft.



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For Petitioner	...	Mr.R.Manickavel
For Respondent Nos.1 & 2	...	Mr.Yogesh Kannadasan Special Government Pleader

ORDER

The writ petition has been filed to issue a Writ of Mandamus directing the first respondent Sub-Registrar, Madhavaram, Chennai – 600 060 to delete the entry of attachment in the encumbrance Certificate made on 18.02.2020 at the instance of Arbitrator, North and South Chennai Chit Fund in pursuant to the ARC proceedings by Margadharsi Chit Funds in compliance with the order dated 06.02.2023 in W.P.No.7915 of 2020 passed by this Court in respect of the petition property bearing plot No.18, West part, Swamy Nagar, comprised in Survey No.1395 (part) as per patta Survey No.1395/13, Madhavaram Village, Ambattur Taluk, Thiruvallur District measuring an extent of 1,150 sq.ft.

2.Heard the submission made by the learned counsel appearing for the petitioner as well the learned Special Government Pleader appearing for the respondents 1 & 2.



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3. Though the respondents have filed their counter, they have not stated as to whether they received any order regarding raising of attachment or not and therefore, the respondents are directed to remove the entry of attachment in the encumbrance certificate. Neither the petitioner impleaded ARC as a party to know as to whether they sent any order raising the attachment nor the Sub Registrar, on whose request the property was attached. Hence, the petitioner is directed to approach ARC for giving a direction to Sub -Registrar for raising the order of attachment in the manner known to law.

4. With the above directions, the writ petition is disposed of with direction to the petitioner to work out his remedy through ARC in the manner known to law. No costs.

Index : Yes/No
Speaking Order: Yes/No
Neutral case citation: Yes/No
sms

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P.VELMURUGAN,J.



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