



W.P.(MD)No.126 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.126 of 2021

Safi Mohamed

... Petitioner

Vs.

- 1.The Secretary,
Department of Registration,
Secretariat of Tamilnadu,
St.George Fort, Chepack, Chennai.
- 2.The Inspector General of Registration,
IG of Registration Office,
Santhome Road, Sathome,
Chennai-28.
- 3.The District Registrar,
District Registration Office,
Collectrate Campus, Thoothukudi,
Thoothukudi Distirct.
- 4.The Sub Registrar,
Sub Registration Office,
Tiruchendur,
Thoothukudi District.



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5. Ananda Raman,
The Sub Registrar,
Sub Registration Office,
Tiruchendur,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take appropriate action against the 5th respondent and to consider the petitioner's representation dated 28.12.2020.

For Petitioner : Mr.R.M.Suresh

For R-1 to R-4 : Mr.A.K.Manikkam,
Special Government Pleader

For R-5 : Mr.V.Malaiyendran

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to take action against the fifth respondent based on the representation made by the petitioner on 28.12.2020.

2. The grievance of the petitioner is that he had filed a suit in O.S.No.59 of 2020 for recovery of money against one Suja. In that suit, an



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application was filed in I.A.No.2 of 2020 seeking for attachment before the Judgment. Considering the facts and circumstances of the case, the Court also ordered attachment of the immovable property and accordingly, three immovable properties belonging to the said Suja were attached and it was also registered before the fourth respondent. However, the fifth respondent, who was the Sub Registrar in total disregard to the order passed by the competent Civil Court, permitted the registration of the sale deed that was presented by the above said Suja in favour of one Murugesan and that document was registered as Document No.2788 of 2020 on 20.11.2020. In view of the same, the petitioner wants action to be initiated against the fifth respondent.

3. In the considered view of this Court, any sale alienation that is made pursuant to an order of attachment passed by the Court is void in the eye of law. Useful reference can be made to Section 64 of the Code of Civil Procedure. This provision makes it clear that where an attachment has been made and any private transfer or delivery of property that is done, the same shall be void as against all claims enforceable under the attachment. In view of the same, the fact that the document was



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entertained and registered by the fifth respondent does not in any way bind the petitioner, since the very transfer is null and void under Section 64 of the Code of Civil Procedure.

4. In the light of the above discussion, there is no need to initiate parallel proceedings against the fifth respondent for having registered the document. It is made clear that the fifth respondent shall be more vigilant while entertaining the documents in future and shall double check as to whether any order of attachment has been passed by any Civil Court before proceeding further to register the document.

5. This Writ Petition is disposed of with the above directions.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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To

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N.ANAND VENKATESH, J.

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