



W.P(MD)No.5424 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5424 of 2023

H.Bhuvaneswari

... Petitioner

Vs.

The Sub Registrar,
Sub Registrar Office,
Bodinayackanur,
Theni.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.304/2022 passed by the respondent on 26.07.2022 and quash the same, and consequently direct the respondent to remove the entries of attachment before Judgment passed in I.A.No.89/2002 in O.S.No.62/2002 on the file of Sub Court, Theni in Doc.No.34/2003 dated 29.10.2003 and the Court auction sale in Doc.No.6/2012 dated 01.12.2011 which was registered on 08.05.2012 in the suit schedule property from the encumbrance certificate as per the representation dted 19.07.2022 made by the petitioner.

For Petitioner : Mr.P.Thirumahilmaran

For Respondent : Mr.M.Prakash
Additional Government Pleader



W.P(MD)No.5424 of 2023

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ORDER

This writ petition has been filed seeking a mandamus to the respondent, Sub Registrar, Sub Registrar Office, Bodinayakkanu, Theni District to remove the entries of attachment before judgment passed in I.A.No.89 of 2002 in O.S.No.62 of 2002 by the Sub Court, Theni, entered as an entry in Document No.34/2003 dated 29.10.2003 and also the Court auction sale in document No.6 of 2012 dated 01.12.2011 which was also registered on 08.05.2012 in the suit schedule property.

2. The suit schedule property is land and building, measuring 1033 ½ Sq.ft in Old Survey No.3988/5 in RS No.3988/21, in old D.No.15, New Door No.13, S.S.Puram Post, Bodinayakkanur, Theni District. The petitioner had purchased the same on 24.05.2002. There was a suit which was initiated against the vendor of the purchaser for recovery of money on the basis of promissory note. Suit was decreed *ex parte*. The property was then brought for sale. An auction purchaser had purchased the property. The petitioner, on the basis of the earlier sale deed, filed an application under order 21 Rule 97 of C.P.C., laying a claim over the property. That application was allowed by the Sub Court by a judgment and decree dated 24.11.2021. In view of the earlier



W.P(MD)No.5424 of 2023

attachment before judgment, the petitioner had made an representation seeking removal of the said attachment before judgment.

3. A direction is given that the petitioner should present the judgment and decree aforementioned before the Sub Registrar. That may be registered, in view of the fact that a circular has been issued removing the period of limitation for registration of a decree and after that is done, simultaneously the entry relating to the attachment before judgment, may also be deleted by the respondent herein. The consequent sale may also be deleted and the petitioner's title may be affirmed. The entire exercise may be completed within a period of six weeks from the date on which the petitioner presents the judgment and decree for registration before the respondents.

4. Writ Petition stands disposed of. No costs.

06.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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W.P(MD)No.5424 of 2023

C.V.KARTHIKEYAN, J.

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To

- 1.The Superintending Engineer,
Udumalpet Electricity Distribution Circle,
TANGEDCO
Udumalpet.
- 2.The Superintending Engineer,
Gobichettipalayam Electricity Distribution Circle,
TANGEDCO
Gobichettipalayam.

W.P(MD)No.5424 of 2023

06.06.2023