



W.P(MD)No.9949 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9949 of 2023

D.Sulochana Bai

... Petitioner

Vs

1. The District Registrar,
Marthandam Registrar Office, Vettuvanni,
Kanyakumari District.

2. The Sub Registrar,
Karungal, Kanyakumari District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to remove the encumbrance entry of the attachment order passed in I.A.No. 36 of 2014 in POP No.110 of 2014 on the file of the District Court, Kanyakumari at Nagercoil from the Encumbrance Certificate of the second respondent office relating to the Survey Nos.238/1, 238/13, 239/1, 246/11, 246/12, 254/10, 254/13, 254/19 of Paloor Village, Vilavancode Taluk (Now comes under the Killiyoor Taluk), Kanyakumari District on the basis of the final order passed by the



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District Court, Kanyakumari at Nagercoil in POP No.110 of 2014, dated 12.08.2015.

For Petitioner : Mr. Sreenivasan.M.R
For R1, R2 : Mr.C.Satheesh
Government Advocate

ORDER

The Writ Petition has been filed in the nature of Mandamus, directing the Respondents, particularly the first respondent to remove the encumbrance entry of the attachment order passed in I.A.No.36 of 2014 in POP No.110 of 2014 on the file of the District Court, Kanyakumari at Nagercoil from the Encumbrance Certificate of the second respondent office relating to the Survey Nos.238/1, 238/13, 239/1, 246/11, 246/12, 254/10, 254/13, 254/19 of Paloor Village, Vilavancode Taluk (Now comes under the Killiyoor Taluk), Kanyakumari District on the basis of the final order passed by the District Court, Kanyakumari at Nagercoil in POP No.110 of 2014, dated 12.08.2015.

2.The petitioner is the wife of Rethinamani. Unfortunately owing to various marital issues between them, the petitioner and her



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daughter were forced to seek maintenance from her husband Rethinamani. The maintenance was awarded, but the same was not paid. Therefore, the property aforementioned was attached. Subsequently the husband of the petitioner died. It is evident that any attachment passed, pending the said petition also stand automatically vacated. The defendant/husband also died.

3. Therefore, a direction is issued to the first respondent to issue notice to the petitioner. The petitioner may forward the documents seeking maintenance from her husband, documents relating to dismissal of POP, documents relating to attachment, documents relating to death of her husband, document relating to legal-heirship certificate to the first respondent. If all these documents are produced, the first respondent, after satisfying himself to the facts may do the needful to remove the entry of attachment from the encumbrance certificate of the aforementioned property. The entire exercise should be completed within a period of eight weeks from the date of receipt of a copy of this order.



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4. With the above directions, this writ petition stands allowed. No costs.

21.06.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
PNM
To

1. The District Registrar,
Marthandam Registrar Office, Vettuvanni,
Kanyakumari District.
2. The Sub Registrar,
Karungal, Kanyakumari District.



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C.V.KARTHIKEYAN, J.

PNM

ORDER IN
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