



W.P(MD)No.14014 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14014 of 2022

and

W.M.P.(MD)Nos.10000 & 10002 of 2022

T.Senthil Kumar

... Petitioner

Vs.

1.The District Registrar (Administration)
Madurai South,
Palace Road, Madurai.

2.The Deputy Registrar of Chit Funds,
Madurai South,
Palace Road,
Madurai.

3.Sri Nithyakalyani Chit Funds (P) Ltd.,
No22, Lakshmi Road,
T.V.S.Nagar,
Madurai-625 003.

4.U.Suzeeth

... Respondents

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 relating to the impugned attachment order passed by the 2nd respondent in Chit Dispute No.12/2020 dated 24.12.2021 in so far as Plot No.2 admeasuring an extent of 850 Sq. Ft comprising in Re-Survey No.73/5A bearing Patta No.224, Viraganoor Village, Madurai South Taluk, Madurai is



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concerned and consequential order passed by the 1st respondent in his proceedings Na.Ka.No.1966/E1/2022 dated 19.04.2022 and quash the same as illegal and consequently direct the respondents 1 and 2 to remove the attachment entry made against the petitioner's property.

For Petitioner : Mr.V.P.Rajan

For Respondent : Mr.S.Ra.Ramachandran
Additional Government Pleader for R1 & R2

: Mrs.P.Malini for R3

: Mr.K.Viralinathan for R4

ORDER

Heard both sides.

2. The petitioner has purchased the petition mentioned property from the 4th respondent. The petitioner's grievance is that after purchase from the 4th respondent, the said property had been attached by the second respondent. Challenging the provisional attachment, the present writ petition came to be filed.

3. It is not in dispute that the fourth respondent is figuring as guarantor for the principal subscriber. The 3rd respondent had already obtained an award against the subscriber and the fourth respondent. The case is presently pending before the Executing Court. The petitioner can very well move the executing Court for relief. Invoking writ remedy in such cases is not appropriate. The



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petitioner is given liberty to move the jurisdictional executing Court for effecting the impugned provisional attachment. If any such I.A. is filed, the same shall be numbered and disposed of on merits and in accordance with law within a period of ten weeks thereafter.

4. Granting liberty to the petitioner to move the executing court and direction to the executing Court to dispose of the petitioner's application, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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To

1.The District Registrar (Administration)
Madurai South,
Palace Road, Madurai.

2.The Deputy Registrar of Chit Funds,
Madurai South,
Palace Road,
Madurai.



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G.R.SWAMINATHAN, J.

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