



W.P(MD)No.13202 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.13202 of 2023
and WMP(MD)No.11161 of 2023

Pandara Krishnan

... Petitioner

Vs

1. The District Registrar,
Kanyakumari District, Nagerckovil.
2. The Sub Registrar,
Thovalai Taluk, Kanyakumari District.

... 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 pertaining the impugned order No. 102/2023, dated 23.05.2023 passed by the second respondent and quash the same, consequently direct the second respondent to lift the order of attachment in No. L5/ 2000, dated 02.12.2000 from the registration book by considering the order in S.A(MD)No. 222 of 2020 and C.R.P(MD)No. 218 of 2008, dated 19.10.2022.

For Petitioner : Mr. M. Ramu

For R1 to R2 : Mr.M.Prakash
Additional Government Pleader



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ORDER

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The writ petition has been filed in the nature of Certiorarified Mandamus, seeking records relating to order No. 102/2023, dated 23.05.2023 passed by the second respondent/ Sub Registrar, Thovalai Taluk, Kanyakumari District and interfere with the same and consequently direct the second respondent to lift the order of attachment in No. L5/ 2000, dated 02.12.2000 from the registration book by considering the order in S.A(MD) No. 222 of 2020 and C.R.P(MD)No. 218 of 2008, dated 19.10.2022.

2.In the affidavit filed in support of the writ petition, it had been stated that the properties in S.Nos.681/1, 684/4A, 684/4B, 682/2, 689/2, 683/1, 688, 689/2, 682/2 and 689/2 situated at Kumarapuram Village, Aralvoimozhi, Thovalai Taluk, Kanyakumari District belongs to the petitioner herein, consequent to a settlement deed executed by his father. The revenue records also stand in the name of the petitioner.

3.One Padmanabhan had filed a civil suit in O.S.No.262 of 2000 before the Sub Court, Nagercoil against the defendant Narayanan, who was one among the brothers of his father. In the said suit the said Padmanabhan



sought a relief of attachment before the Judgment in I.A.No.409 of 2000, in respect of $\frac{1}{4}$ share of the aforementioned properties. Thereafter, the Principal Sub Judge had passed an order of attachment in I.A.No.409 of 2000. Then it had been entered in the registration books of the second respondent as L5/2000. The said suit had been settled in terms of compromise before this Court by order, dated 19.10.2022 in S.A.(MD)No.222 of 2010 and C.R.P. (MD)No.218 of 2008. In the said Judgment a learned Single Judge finally held as follows:

“4.The learned counsel for the appellant informs this Court that during the pendency of the suit, the respondent/plaintiff had obtained an order of attachment before Judgment in I.A.No.409 of 2000 vide order of the trial Court, dated 28.11.2000. In view of compromise, as stated in paragraph No.2 above, the order of attachment before Judgment will stand vacated. The trial Court is required to intimate the concerned Sub Registry about the lifting of the order of attachment forthwith.”

4.The petitioner herein, when he filed encumbrance certificate found that the order of attachment still subsisted. Therefore, this writ petition had been filed seeking interference with the order of the second respondent, wherein, they had relied the order in I.A.No.409 of 2000 in O.S.No.262 of 2000.



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5.It must be keep in mind that the suit had proceeded and had come to the stage of second appeal and on compromise, the second appeal had been disposed of and this Court had issued the aforementioned direction, to intimate to the Sub- Registrar that the order of attachment should be lifted. This Court had directed the petitioner herein to file necessary application before the trial Court/Sub Court, Nagercoil, seeking a direction to intimate the recent Judgment to the jurisdictional Sub Registrar Office. The copy of return note is presented before this Court wherein, it had been stated that the copy of the Judgement, dated 19.10.2022 in S.A.No.222 of 2010 had been intimated to the second respondent by D.No.508 of 2023, dated 22.06.2023.

6.Since there has been compliance of the direction of the learned Single Judge in the Second Appeal, the impugned order is set aside.

7.A direction is issued to the second respondent to take into consideration the above communication from the Principal Sub Judge, Nagercoil made in D.No.508 of 2023, dated 22.06.2023 effect necessary entries relating to lifting of attachment with respect to aforementioned



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properties namely properties in S.Nos.681/1, 684/4A, 684/4B, 682/2, 689/2, 683/1, 688, 689/2, 682/2 and 689/2 situated at Kumarapuram Village, Aralvoimozhi, Thovalai Taluk, Kanyakumari District. The said compliance should be completed within a period of three weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

23.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

1. The District Registrar,
Kanyakumari District, Nagerckovil.
2. The Sub Registrar,
Thovalai Taluk, Kanyakumari District.



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C.V.KARTHIKEYAN, J.

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