



WEB COPY



W.P.(MD) No.28840 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :15.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD) No.28840 of 2022

R.V.Ravindran

... Petitioner

Vs.

1.The District Registrar (Administration),
Madurai North Registration Office,
Madurai.

2.The Sub Registrar,
Theppakulam Sub Registrar Office,
(Madurai North),
Rajakambeeram,
Y.Othakadai, Madurai 107.

3.The Tahsildar,
Madurai East Taluk,
Y.Othakadai, Madurai 107.

4.M.N.Nagammal

5.P.Chellapandian

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus, to call for the



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records in pursuant to the impugned order passed by the first respondent vide proceedings in Na.Ka.No.3645/A4/2022 dated 06.06.2022 and the impugned order passed by the second respondent vide proceeding in Na.Ka.No.129/2021 dated 12.11.2021 and quash the same and consequently direct the second respondent to entertain the registration of document in respect of Survey No.82/3 by removing entry made on the basis of order in I.A.No.240 of 2012 in O.S.No.205 of 2012 on the file of the learned Principal Sub Judge, Dindigul.

For Petitioner	: Mr.A.Robinson
For R1 to R3	: Mr.M.Prakash Additional Government Pleader
For R4	: No appearance
For R5	: Tapal Returned

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3. Though notice has been served on the fourth respondent, she has not chosen to enter appearance.

2.The grievance of the petitioner is that at the instance of the fourth respondent, his property has been attached. The second respondent



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had entered the order of attachment in respect of the petition mentioned property in the encumbrance register. It is seen that the fourth respondent filed O.S.No.205 of 2012 on the file of the Sub Court, Dindigul against the fifth respondent. I.A.No.240 of 2012 was filed for attaching the petition mentioned property. Interim attachment was ordered. It was communicated to the second respondent. Thereupon, the offending entry was made.

3.The petitioner came to know the same following the communication from the second respondent on 12.11.2021. Hence this writ petition came to be filed.

4.The learned counsel appearing for the petitioner points out that even though the suit appears to have been decreed exparte, I.A.No.2401 of 2012 was dismissed for non-payment of batta. He also draws my attention to the patta mutation order made in his favour. The property was allotted to the petitioner's father's share in a partition deed dated 22.04.1950. On 15.02.2003, the petitioner's father Venkatraman passed away. Patta was mutated in favour of the petitioner on 08.08.2019 (Patta No.1294). In the attachment order, patta has been mentioned as 459. *Prima facie* there is



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enough and more material to show that even though the petition mentioned property is not that of the fifth respondent, attachment has been obtained as if the property belongs to the fifth respondent.

5.I therefore disposed of the writ petition in the following terms:

- a) The second respondent will send a query to the learned Sub Judge, Dindigul who passed order in I.A.No.240 of 2012 in O.S.No.205 of 2012 if the IA was subsequently dismissed for non-payment of batta.
- b) The learned Sub Judge, Dindigul is directed to respond to the communication of the second respondent immediately and without delay. If the Sub Judge, Dindigul informs the registering authority that I.A.No.240 of 2012 was eventually dismissed, then entry shall be made in the encumbrance register about the same and that would amount to lifting the attachment. This exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

15.12.2023

NCC :No
Internet :Yes
Index :No
MGA



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Note: Registry is directed to mark a copy of this order to the learned Sub Judge, Dindigul for compliance.

To

- 1.The District Registrar,
(Administration),
Madurai North Registration Office,
Madurai.
- 2.The Sub Registrar,
Theppakulam Sub Registrar Office,
(Madurai North),
Rajakambeeram,
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- 3.The Tahsildar,
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G.R.SWAMINATHAN, J.

MGA

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