



W.P.No.24298 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated :14.11.2024**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No.24298 of 2024**

Kothawal Anees UR Rahman

... Petitioner

**Vs**

1. The District Registrar (Administration),  
Thirupathur,  
Vellore District.

2. The Sub-Registrar Office,  
Vaniyambadi,  
Vellore District.

3. Mr.G.Rajasekaran  
S/o.Gurunathan,  
Prop.GRS Chemi Services,  
No.1062/187, B, Konamedu,  
Alargayam Cross Road,  
Vaniyambadi Taluk,  
Thirupattur District.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 04.06.2024 made in Na.Ka.No.1272/AA1/2024 and quash the same of the first respondent with a consequential relief of directing the second respondent to remove the encumbrance entry dated 18.11.2022



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bearing document No.50 of 2022.

For Petitioner : Mr.K.N.Nataraj

For Respondents 1 and 2 : M/s.C.Meera Arumugam  
Government Advocate

### **ORDER**

This Writ Petition is filed for a Certiorarified Mandamus, calling for the records of the first respondent dated 04.06.2024 made in Na.Ka.No.1272/AA1/2024 and quash the same of the first respondent with a consequential relief of directing the second respondent to remove the encumbrance entry dated 18.11.2022 bearing document No.50 of 2022.

2. The entry made in the Encumbrance Certificate reads as follows:

*"Attached by Civil Court, Court Orders. Additional District Judge's No.III, Thirupattur."*

3. The contention of the petitioner is that the said entry is a false entry and there is no orders of the Court passed directing attachment.

4. Heard the learned counsels on either side.



5. The learned counsel has produced the order passed by the learned District Judge, Tirupathur in E.P.No.NIL of 2024 in O.S.No.7 of 2018 which is execution petition for attachment of schedule property of the judgment debtor and to realise the decree amount by way of sale. In the said order, the learned Judge has clearly stated that the suit O.S.No.7 of 2018 had been dismissed with reference to the relief of attachment and only relief of recovery of money was ordered. Thereafter, the petitioner had filed E.P.No.28 of 2019 for attachment of movables and pending the attachment proceedings, when the matter was posted for issuance of pro-order and upon request of parties E.P.No.28 of 2019 was referred to Lok Adalat on 20.02.2023, compromise was entered into between the parties and after the Lok Adalat, Award records were received back by the Court. Therefore, there was no attachment order and only execution petition for seeking attachment. Ultimately, the learned Judge has observed as follows:

*"Upon enquiry, from the Nazir Section staff, it was found that when there was no order of attachment of immovables either in the suit or in the execution proceedings, the Office cannot raise the order of attachment which was not made or ordered, hence the same was returned. But, on perusal of the file, it is found*



*that the staff managed to get the immovable properties attached i.e., the suit property without the order of the Court on the petition filed by Mr.C.T.Senguttuvan, counsel for the petitioner and it is also noted that the immovables was attached on 16.11.2022, on a single day and for which the Court reserves separate action against the colluded staff."*

6. Therefore, it is crystal clear that in attachment which has been recorded in the Encumbrance Certificate is based on a false statement. Since it is a fraudulent entry, the 2<sup>nd</sup> respondent/Sub-Registrar Office shall receive the certified copy of the order and which have now been given to the learned Government Advocate Ms.C.Meera Arumugam. She shall forward the same to the Sub-Registrar, Vaniyambadi, Vellore District, who shall enter the same in the Encumbrance Certificate. The said exercise shall be concluded within a period of four weeks from the date of receipt of a copy of this order.

7. Considering the said fact that it is a fraudulent entry the same shall be deleted and it shall be mentioned that it is an entry not backed by order of the Court.



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8. With the above directions, this Writ Petition is allowed. There shall be no order as to costs.

14.11.2024

Index : Yes/No  
Speaking order/non-speaking order  
Neutral Citation: Yes/No  
ssn

To

1. The District Registrar (Administration),  
Thirupatthur,  
Vellore District.
2. The Sub-Registrar Office,  
Vaniyambadi,  
Vellore District.



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**P.T.ASHA, J.,**

ssn

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