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W.P.No.27874 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.27874 of 2024

Mr.Thamba Rao Moova

... Petitioner

VS.

1. The Inspector General of Registration,
Tamil Nadu Registration Department,
No.100, Santhome High Road,
Chennai - 600 028.
2. The District Registrar (Central Chennai),
Triplicane, Chennai - 600 005.
3. The Sub-Registrar,
No.576, Mogappair West,
Chennai - 600 037.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to remove the entry of court order of attachment dated 28.01.2003 passed in I.A.No.219 of 2003 in O.S.No.46 of 2003 by the learned XVII Assistant Judge, City Civil Court, Chennai, pertaining to the Schedule mentioned property, from the Encumbrance Register being maintained by the third respondent on the strength of the judgment and decree passed in O.S.No.46 of 2003.

For Petitioner : Mr.K.Pradeep

For R1 to R3 : Mr.T.Chezhiyan
Additional Government Pleader



ORDER

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The petitioner herein seeks a direction to the third respondent to remove the entry with regard to attachment order dated 28.01.2003 passed by the learned XVII Assistant Judge, City Civil Court, Chennai in I.A.No.219 of 2003 in O.S.No.46 of 2003, on the ground that the main suit itself was disposed of.

2. The learned counsel for the petitioner submits that the main suit in O.S.No. 46 of 2003 was dismissed as settled out of court on 06.12.2004. Therefore, the interim order of attachment automatically goes on dismissal of the suit.

3. The learned Additional Government Pleader on written instructions from the third respondent vide letter No.442 of 2024 dated 20.09.2024, submits that the judgment passed by the concerned Court in O.S.No.46 of 2003 was received from the petitioner and the same was also indexed in the office of the third respondent's Court Order File No.17/2024 mentioning the raising of attachment. Therefore, the petitioner can verify the same in the



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Encumbrance Certificate.

4. The copy of the letter issued by the third respondent is scanned and reproduced below:-

Registration Department

From: Tmt S. Navasenthil, Sub Registrar, Anna Nagar Nolambur Chennai-37	To: The Government Pleader, Registration Department, High Court of Madras, Chennai-64
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Ltr.No.442 of 2024 - Dt.20.09.2024

Sub W.P.No.27874 of 2024, High Court of Madras, by the petitioner Mr. Thimma Rao Moneva, Chennai-114, intimations submitted regarding.

Ref Amended Petition of the Petitioner Mr. Thimma Rao Moneva in W.P.No.27874 of 2024.

With reference to the subject matter and the writ Petition cited in the notification No.1, I am doing the 3rd Respondent notice. I am submitting the intimations for as below.

The petitioner filed this writ of Mandamus directing the 3rd respondent to remove the entry of the court order of attachment in respect of property situated within the jurisdiction of Sub Registrar Office Anna Nagar.

An application with the Judgement copy of the City Civil Court Xvi, 2024 No.452003 was received from the petitioner and had been indexed as the office Court Order filing No.17/2024, monitoring the return of entry attachment. The petitioner can now verify the Encumbrance certificate.

Herewith I have attached necessary documents.

Thanking You,

(Signature)
Sub-Registrar
Anna Nagar,
Chennai - 600 037.

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20/9/24



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5. In view of the fact that the disposal of the main suit has now been reflected in the Encumbrance certificate, the same will protect the interest of the petitioner and hence, no further orders need to be passed in this writ petition.

6. The above submission made by the learned Additional Government Pleader is recorded and the Writ Petition stands disposed of accordingly.
No costs.

23.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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To

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Tamil Nadu Registration Department,
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Chennai - 600 028.
2. The District Registrar (Central Chennai),
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S. SOUNTHAR, J.

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