



W.P.No.28647 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.28647 of 2024

Natarajan

... Petitioner

VS.

1.The Sub Registrar,
Registration Department,
Palladam,
Tiruppur District

2.Poongodi

3.Saranya

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Refusal Check Slip No.RFL/Palladam/18/2024 dated 03.05.2024, on the file of the 1st respondent herein, quash the same and consequently direct the 1st respondent herein to register the Sale Deed dated 03.05.2024 presented by the petitioner for registration within a stipulated period.



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For Petitioner : Mr.K.Govi Ganesan
For R1 : Mr.M.Shahjahan
Special Government Pleader

ORDER

By consent of both the learned counsel appearing for the petitioner as well as 1st respondent, this writ petition is disposed of at the admission stage itself.

2. Aggrieved by the impugned Refusal Check Slip No.RFL/Palladam/18/2024, dated 03.05.2024 issued by the 1st respondent refusing to register the Sale Deed presented for registration by the petitioner, he has come before this Court.

3. According to the petitioner, the properties with an extent of 4 acres 32 cents, 7 cents and 6 cents with different boundaries in S.No.412/1 situated in Senjeriputhur Villlage, Sular Taluk, Palladam Sub-Registration Taluk, Tiruppur District, originally belongs to petitioner's vendors Kokilamani and Punitha Latha. They executed a Sale Deed dated 03.05.2024 in favour of the petitioner and the same was presented for



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registration before the 1st respondent. The said document was refused registration by the 1st respondent on the ground that there was an attachment order in respect of the subject properties in I.A.No.906 of 2023 in O.S.No.491 of 2023 on the file of the Principal District Court, Tiruppur. Aggrieved by the same, the petitioner has come before this Court.

4. The learned counsel appearing for the petitioner submitted that one Poongodi filed a suit against one Saranya for recovery of money and obtained attachment before judgment in I.A.No.906 of 2023 in O.S.No.491 of 2023. The learned counsel further submitted that defendant in the suit was not at all owner of the subject properties on the date of attachment. Therefore, he submitted that the attachment order in I.A.No.906 of 2023 will not bind the petitioner.

5. This Court is not inclined to go into the question whether the defendant in original suit, namely the 3rd respondent herein is the real owner of the subject properties or not in writ proceedings. It is open to the petitioner to workout his remedy before the Civil Court.



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6. This Court in *The Federal Bank Ltd vs. The Sub-Registrar*, reported in **MANU/TN/0682/2023** already held that existence of attachment order is not a ground to refuse registration in view of Section 64 of Civil Procedure Code. It is already held that subject to the rights of attachment creditor, document can be registered. Mere registration of the sale deed in favour of petitioner will not affect the rights of attachment creditor, if any in law.

7. In view of the same, the impugned order in Refusal Check Slip No.RFL/Palladam/18/2024, dated 03.05.2024 passed by the 1st respondent refusing registration on the ground that there was an attachment order concerning the subject properties is set aside.

8. The petitioner is directed to represent the Sale Deed before the 1st respondent, within a period of two weeks from the date of receipt of copy of this order. The 1st respondent shall register the same, if it is otherwise in order. It is made clear the registration of the document will not affect the rights of the attachment creditor, if any in law.



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9. With the above directions and observations, the Writ Petition

stands allowed. No costs.

01.10.2024

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

To

The Sub Registrar,
Registration Department,
Palladam,
Tiruppur District.



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S.SOUNTHAR, J.

dm

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