



WEB COPY

W.P.No.30069 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.30069 of 2022

N.Madhu

...

Petitioner

versus

1.The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 4.

2.The Joint Sub-Registrar-II,
Sub-Registrar Office,
Dharmapuri.

3.M/s.Shriram Transport Finance Co. Ltd.,
Rep. by its Power of Attorney Ranganathan. P.
Prabha Towers, 1st Floor,
Opp. TNSTC Depo,
Bharathipuram, Salem Main Road,
Dharmapuri - 636 705.

4.G.Raman

5.Sivasakthi

6.The Principal District Judge,
Dharmapuri.

...

Respondents

(R-6 - impleaded as per order of this Court dated 01.12.2022 in
W.P.No.30069/2022)



Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to remove the entry in the encumbrances certificate in S.Nos.176/5, 178/5, 178/2, 178/3, 178/4, Mittahinnahalli Village, Nallampalli Taluk, Dharmapuri District based on the petitioner's representation dated 02.09.2022.

For Petitioner : Mr.M.Selvam
For Respondent Nos.1 & 2 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
For Respondent No.3 : Mr.M.Peer Mohammed
For Respondent Nos.4 & 5 : No Appearance

ORDER

The Writ Petition is filed to direct the second respondent to remove the entry in the Encumbrance Certificate in S.Nos.176/5, 178/5, 178/2, 178/3, 178/4, Mittahinnahalli Village, Nallampalli Taluk, Dharmapuri District, by considering the petitioner's representation dated 02.09.2022

2. It is the contention of the learned counsel for the petitioner that the fifth respondent is the son of the petitioner, whereas the fourth respondent has availed loan from the third respondent and the fifth respondent is only a Guarantor. However, in the arbitration proceedings, he



has not made as a party, whereas the property has been attached. Hence, he seeks a direction.

3. It is relevant to note that the order of attachment has been passed in respect of the award passed by the learned Arbitrator. If the petitioner has any grievance about such an order of attachment, he has to file an application before the Execution Court and not by way of filing a Writ Petition.

4. In such view of the matter, I do not find any merits in the Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

12.06.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



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N.SATHISH KUMAR, J.

sri

To

1.The Inspector General of Registration,
Santhome High Road,
Mylapore, Chennai - 4.

2.The Joint Sub-Registrar-II,
Sub-Registrar Office,
Dharmapuri.

3.The Principal District Judge,
Dharmapuri.

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