



W.P.No.32861 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2024

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

W.P.No.32861 of 2024

M.Gopalan

...Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Gopichettipalayam,
Erode District.

2.The Sub-Registrar,
Kavunthappadi Sub-Registrar Office,
Kavunthappadi, Erode District.

3.Vipoosanan

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 and 2, to remove the encumbrance entry of attachment before judgment, which is made by an order dated 13.06.2006 in I.A.No.465 of 2006 in O.S.No.142 of



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2006 by the learned District Munsif Court, Bhavani, Erode District, in respect the petitioner's property comprised in Survey No.337/3, to an extent of 988 Sp. ft, situated at Appakudal Vilage, Sakthi Nagar Post, Bhavani Taluk, Erode District, by considering his representation dated 02.10.2024 and receipt-cum-no objection letter dated 02.10.2024, executed by the 3rd respondent, within the time limit to be stipulated by this Court.

For Petitioner : Mr.M.Vijaya Ragavan
For Respondents : Mr.M.Shahjahan,
Special Government Pleader
for R1 & R2

ORDER

The writ petition filed for the following releif :

The petitioner's case is that a suit for recovery of money had been instituted against him by the 3rd respondent, as the petitioner had, failed to repay the amount borrowed by him. The 3rd respondent had pending the suit, obtained an order of attachment before judgment in respect of the petitioner's property measuring an extent of 988 sq. ft. comprised in S.No.337/3 situated at Appakudal Village, Sakthi Nagar Post, Bhavani Taluk, Erode District in I.A.No.465 of 2006 in O.S.No.142 of 2006 on the file of the District Munsif,



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Bhavani. The suit came to be decreed on 23.06.2006 as exparte and thereafter, the petitioner had repaid the money to the 3rd respondent and obtained a receipt dated 02.10.2024. The petitioner had come to know that the attachment before judgment had been entered in the encumbrance in respect of the property. Therefore, on the very same day, he had sent a representation to the respondents 1 and 2 along with the receipt cum No Objection by the 3rd respondent and requested them to remove the entry in the encumbrance certificate. However, the respondents are not considering the representation of the petitioner. Therefore, the petitioner has come forward with the present case.

2.Heard, learned counsel on either side.

3.Admittedly, the plaintiff in the suit O.S.No.142 of 2006 has issued a No Objection certificate and receipt wherein he has set out that he has received the entire amount due under the decree in O.S.No.142 of 2006 and that he has not instituted any execution proceeding. He has no objection for removing the entry. Therefore, taking into consideration of the above



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mandamus is issued to the 2nd respondent to delete the entry relating to the attachment before the judgment by recording the receipt cum No Objection dated 02.10.2024 given by the 3rd respondent within a period of three weeks.

4. Accordingly, the writ petition stands allowed. No costs.

06.11.2024

vsn

To

1. The District Registrar,
District Registrar Office,
Gopichettipalayam,
Erode District.

2. The Sub-Registrar,
Kavunthappadi Sub-Registrar Office,
Kavunthappadi, Erode District.



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P.T. ASHA, J.

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