



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12844 of 2024

T.Rajammal

... Petitioner

Vs.

1. The Deputy Registrar of Co-operative Societies,
Aruppukottai – 626 101,
Virudhunagar District.

2. The President,
Virudhunagar District Consumers Co-operative
Whole Sale Stores Limited A.1382,
Aruppukottai Road, Virudhunagar District.

3. The District Registrar,
Virudhunagar District,
Virudhunagar.

4. The Sub Registrar Joint II,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take necessary actions to delete the name of the 1st respondent in the encumbrance certificate in respect of the property bearing Door No.13/12C, TS No.373 Kattu Theru, Sivanthipuram, Muthuramanpatti, Virudhunagar Town, Virudhunagar Taluk and District and to restore the name of the petitioner by considering the representation of the petitioner dated 02.04.24 within a time frame stipulated by this Court.



For Petitioner : Mr.G.Prabhu Rajadurai
For R-1 & R-2 : Mr.K.S.Selva Ganesan,
Additional Government Pleader.
For R-3 & R-4 : Mr.B.Saravanan,
Additional Government Pleader.
* * *

ORDER

Heard both sides.

2. The petitioner's husband had suffered an order of surcharge.

The petitioner filed W.P.(MD)No.165 of 2015 and relief was granted by this Court on 24.08.2023 in the following terms:-

“9. The petitioner is ready to pay interest @ 3% p.a. It would come to around a sum of Rs.2 ½ lakhs. The petitioner is directed to pay the same within a period of eight weeks from the date of receipt of a copy of this order. By recording the said undertaking, the order impugned in this writ petition is set aside. The issue shall be given a quietus, if the petitioner makes a further payment of Rs.2½ lakhs within the time limit mentioned above. If the petitioner fails to make the said payment, the benefit under this order would stand automatically vacated. It would be open to the management of the society to proceed further in the matter. This writ petition stands disposed of



accordingly. No costs. Consequently, connected miscellaneous petition is closed.”

3. The petitioner's counsel states that the amount quantified by this Court has since been remitted and the receipt has been enclosed in the typed set of papers. Therefore, the petitioner wants the respondents to delete the encumbrance. The deletion of encumbrance is not possible. Only an entry can be made that the encumbrance no longer holds good. The only relief can be granted is to raise the attachment.

4. I direct the first respondent to send a communication to the fourth respondent for raising the attachment earlier made against the petition mentioned property. This shall be done by the first respondent within a period of two weeks from the date of a copy of this order. Thereafter, the fourth respondent will enter the encumbrance register about the raising of the attachment. This writ petition stands allowed accordingly. No costs.

18.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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W.P.(MD)NO.12844 OF 2024

G.R.SWAMINATHAN,J.

PMU

To:

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