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W.P.(MD)NO.13010 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13010 of 2024

Nathiya

... Petitioner

Vs.

1. The District Registrar,
Registration Department,
Karur.

2. The Sub Registrar Joint-I,
Karur,
Karur District.

3. Kannamal

4. Venkadasalapathi

5. Kosamalai Sankaran

6. Banumathi

7. Saravanan

8. Sharadhambal

9. Mangayarkarasi

10. Ponnammal

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to delete the entry made in the encumbrance certificate



related to the petitioner's property in T.S.No.2196, situated at Ward No.2, Pasupathipalayam South Street, Karur District based on the petitioner's representation dated 02.04.2024.

For Petitioner : Mr.S.Gokulraj

For R-1 & R-2 : Mrs.D.Farjana Ghoushia,
Special Government Pleader.

For R-3 to R-10 : Mrs.S.Prabha

* * *

ORDER

Heard both sides.

2. The private respondents herein filed O.S.No.1134 of 1990 on the file of the Principal District Munsif, Karur. It was a money suit. In the said suit, the petition mentioned property was attached. The attachment was also duly reflected in the encumbrance register. The suit was decreed and in the execution proceedings, the decree holder's claim was satisfied in full. The defendants in the suit are the vendor's vendor of the writ petitioner. The petitioner now wants the encumbrance to be deleted. It appears that even IA was filed for raising attachment. Since the records of the year 1991, the civil Court could not trace the same and



hence the petition for raising the attachment was returned. In this background, the present writ petition came to be filed.

3. Since the execution proceedings have been terminated and since I am satisfied from the materials on record that the decree holders were fully satisfied, the impugned attachment deserves to be deleted in the encumbrance register. I therefore direct the second respondent to make an entry that the petition mentioned attachment stood raised. Incorporating this direction to address the concerns of the writ petitioner, this writ petition stands allowed accordingly. No costs.

02.07.2024

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

To:

1. The District Registrar,
Registration Department,
Karur.
2. The Sub Registrar Joint-I,
Karur,
Karur District.



WEB COPY



4

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G.R.SWAMINATHAN,J.

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