



W.P(MD)No.13848 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13848 of 2024

Manikandan

... Petitioner

Vs.

1.The District Registrar,
O/o.The District Registrar,
Madurai.

2.The Sub Registrar,
Office of the Sub Registrar,
Nagamalai Pudukottai,
Madurai.

3.Pandi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to look into the petitioner's representation dated 06.05.2024 so as to remove the attachment order entry made in the Encumbrance certificate in Survey Number 19/5 at Achampathu Village, Madurai within time frame as fixed by this Court.

For Petitioner : Mr.D.S.Haroon Rasheed



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For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.

2.The petitioner had purchased the petition mentioned property vide sale deed dated 21.09.2023. Six months after transaction was concluded and document was also released, an attachment order was passed by the jurisdictional civil Court. The petitioner therefore is not in a position to dealt with the property on account of Section 22(B) of the Registration Act. Therefore, questioning the attachment the petitioner has filed the present writ petition.

3.I am of the view that instead of pursuing writ remedy, the petitioner can as well move the concerned Court itself. The petitioner is permitted to file an Interlocutory Application for raising the attachment in O.S.No.597 of 2022 on the file of the learned V Additional District



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Judge, Madurai. If any such Interlocutory Application is filed, it shall be numbered immediately and disposed of on merits and in accordance with law after notice to the plaintiff within a period of six weeks thereafter. I make it clear that I have not gone into the merits of the matter. I have not foreclosed the contentions of the third respondent.

4.This writ petition is disposed of with the aforesaid direction to the trial Magistrate. There shall be no order as to costs.

27.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

Note: 1) Issue order copy on 01.07.2024.

2) Registry is directed to mark a copy of this order to the learned V Additional District Judge, Madurai.

To

- 1.The District Registrar,
O/o.The District Registrar,
Madurai.
- 2.The Sub Registrar,
Office of the Sub Registrar,
Nagamalai Pudukottai, Madurai.



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G.R.SWAMINATHAN,J.

MGA

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