



W.P(MD)No.13817 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13817 of 2024

M/s.T.P.N.Gas,
No.11, SIDCO Industrial Estate,
Paramathy Road,
Namakkal-637 001,
Represented by its Partner Mr.K.P.Mitesh.

... Petitioner

Vs.

The Sub Registrar,
Kariyapatti,
Virudhunagar District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent herein to accept and Register the Sale Deed in respect of the properties in S.Nos. 124/7, 124/8B1 and 124/10B2 of D.Kadamankulam Village, in Virudhunagar District.

For Petitioner : Mr.S.V.Karthikeyan

For Respondent : Mr.B.Saravanan
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The petitioner had purchased the petition mentioned property from one Palanivel Thillaikumar. He is facing prosecution under TNPID Act. G.O has been issued attaching his property. Unfortunately, the petition mentioned property was not included in the G.O. The petitioner claims that he was unaware of the prosecution faced by his vendor. The petitioner cleared the mortgage, to which, the property was subjected. The entire sale consideration has also been paid. The only question that calls for consideration is whether the respondent is justified in not registering the document. Section 22B of the Registration Act will kick in if there is any subsisting attachment. Admittedly, there is no subsisting attachment as on date. That is why, I have to issue direction as sought for. Of-course, the learned Additional Government Pleader for the respondents would contend that inadvertent omission of the petition mentioned property in the attachment G.O ought not to come to the petitioner's rescue. This argument has moral force. But then, courts and Judges have to apply law. Since there is no attachment of the petition mentioned property, the respondent is directed to register the same and release it subject to fulfillment of other usual formalities.



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3. The Writ Petition is allowed. No costs.

16.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Kariyapatti,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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