



W.P(MD)No.17119 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17119 of 2023

G.Periyasamy

... Petitioner

Vs.

1.The Sub Registrar,
Sub Registrar Office at Batlagundu,
Perumal Kovil Street,
Batlagundu,
Nilakottai Taluk,
Dindigul District-624 202.

2.C.Seenithevar
Managing Director,
C.S.T Hotel Private Limited,
Periyakulam Road,
Batlagundu Post,
Dindigul District.

3.S.Anbuselvan
Director,
C.S.T.Hotel Private Limited,
Periyakulam Road,
Batlagundu Post,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Sub Registrar of Batlagundu/the 1st respondent herein to remove the entry of attachment dated 09.11.2006 vide Cr.M.P.No. 2617 of 2016 in C.C.No. 27 of 2004 on the file of



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the learned Judicial Magistrate Court, Kodaikanal on the basis of the order passed by this Madurai Bench of Madras High Court dated 25.07.2022 in CRL.A.(MD).SR.No. 24855 of 2022.

For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate for R1

: Mr.S.Arivudainambi for R3

: R2-died

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the first respondent.

2. The petitioner had filed C.C.No.27 of 2004 on the file of the Judicial Magistrate, Kodaikanal under Section 138 of the Negotiable Instruments Act. The petitioner obtained attachment of the property belonging to the private respondents. It was also duly entered in the encumbrance register. Subsequently, the matter was amicably settled between the parties. The petitioner therefore wants attachment to be lifted. It is seen that the criminal case filed by the petitioner was dismissed for default. Questioning the same, the petitioner filed Crl.A.(MD)SR.No.24855 of 2022. Condone delay petition was also filed in Cr.M.P.No.8514 of 2022. The said Miscellaneous



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Petition was dismissed as withdrawn based on the endorsement made by the petitioner's counsel. Copy of the order dated 25.07.2022 has been enclosed in the typed set of papers.

3. I am satisfied that earlier attachment can no longer hold good. The first respondent is therefore directed to make an entry that the attachment made on 09.11.2006 stands raised. Entry to this effect shall be registered by the first respondent. The petitioner can also register the order made in this writ petition.

4. The Writ Petition is allowed on these terms. No costs.

20.03.2024

Index : Yes / No
Internet : Yes/ No
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To

The Sub Registrar,
Sub Registrar Office at Batlagundu,
Perumal Kovil Street,
Batlagundu,
Nilakottai Taluk,
Dindigul District-624 202.

G.R.SWAMINATHAN, J.



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