



W.P(MD)No.24772 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.24772 of 2024

M.Siva Sankaran

... Petitioner

Vs.

1.The District Registrar,
District Registrar Office,
Thanthondrimalai,
District Collectorate, Karur.

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

... 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 respondents to clear encumbrance or attachments in respect of S.Nos.767/2 to 767/10, 767/12 to 767/17 and 765/A1 of Koyampalli Village, Manmangalam Taluk, Karur District on the basis of the petitioner's representation dated 08.06.2024.

For Petitioner : Mr.R.Vignesh
For Respondents : Mr.P.Subbaraj
Special Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents to clear the encumbrance with regard to the subject property.



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2.Mr.P.Subbaraj, learned Special Government Pleader, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal.

3.It is the grievance of the petitioner that the petitioner has filed a suit in O.S.No.130 of 2020 for recovery of money and obtained an order of attachment in I.A.No.1 of 2020 with regard to the property in S.No.767. The said survey number consists of 17 sub divisions and some of the properties are not belonged to the defendant in the suit. However, based on the order of attachment, the large extent of lands are not allowed to be registered by the authorities. Hence, the petitioner made a representation before the respondents on 08.06.2024. Since the same was not considered, the petitioner has filed this writ petition.

4.At the outset, this Court is of the view that the writ petition is not maintainable. The petitioner having obtained an order of attachment before the competent civil Court, cannot file this writ petition to clear the encumbrance over the subject properties. The petitioner has to approach the civil Court for modification of the order by filing necessary application. He cannot by-pass



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the orders of the civil Court and file a writ petition seeking to remove the entries made in the encumbrance certificate.

5. Accordingly, this writ petition stands disposed of. The petitioner is directed to file necessary application before the concerned learned District Judge, Karur, before whom the order of attachment was obtained. On such application is filed, the learned Judge shall consider and dispose of the same within a period of one month from the date of filing of such application. No costs.

21.10.2024

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

1. The District Court,
Karur.
2. The District Registrar,
District Registrar Office,
Thanthondrimalai,
District Collectorate, Karur.
3. The Sub Registrar,
Joint-I Sub Registrar Office,
Karur.



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N.SATHISH KUMAR, J.

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