



WP(MD). No.26703 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/09/2024

CORAM

The Hon`ble Mr.Justice N.SATHISH KUMAR

WP(MD). No.26703 of 2023

Mallika

... Petitioner

Vs

1. The Sub Registrar,
Illuppur Sub Registrar Office,
Illuppur, Pudukkottai District..

2. Chithra,
W/o.Nagarajan,
Rm Colony, 8th Cross Street,
Dindigul..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st respondent to remove the entries made in the encumbrance certificate with regard to the property in Plot No.74, situated at S.No.261-1A at Illuppur Village and Taluk, in Pudukkottai District, based on the representation of the petitioner dated 07.09.2023.

For Petitioner : Mr.D.Rameshkumar,
For Respondent : Mr.C.Satheesh for R1
Government Advocate



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ORDER

The writ petition has been filed for a Mandamus directing the 1st respondent to remove the entries made in the encumbrance certificate with regard to the property in Plot No.74, situated at S.No.261-1A at Illuppur Village and Taluk, in Pudukkottai District, based on the representation of the petitioner dated 07.09.2023.

2. It is the case of the petitioner that she is the owner of the subject property. The 2nd respondent alleging that the writ petitioner has borrowed loan from her filed a suit in OS No.388/2015 and obtained interim order of attachment and the same has been reflected in the encumbrance certificate. Now, the suit has been dismissed for default on 01.09.2021. Therefore, she is before this Court to remove the entry of attachment order passed in the interlocutory application.

3. At the outset, this Court is of the view that the petitioner can move an application before the concerned Court, where the suit came to be dismissed to raise the attachment and for sending a communication. On such application filed by the petitioner, the same shall be disposed of



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by the concerned Court within a period of one month and if the suit is not restored, the said raising of attachment should be communicated within the said period.

4. The writ petition is disposed of with the above direction. No costs.

19.09.2024

RR

TO

1. The Sub Registrar,
Illuppur Sub Registrar Office,
Illuppur, Pudukkottai District..



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N.SATHISH KUMAR,J

RR

**ORDER
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