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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 12556 of 2025

Priya

Petitioner(s)

Vs

1. The District Registrar
Villupuram District.

2. The Sub Registrar
Anniyur, Villupuram District.

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned refusal slip in RFL/ Anniyur/ 23/ 2025 dated 28.03.2025 issued by the 2nd respondent and to quash the same and consequently direct the 2nd respondent to register the Memorandum of Deposit of Title Deed executed by the petitioner in favor of one M/s. Chola mandalam Investment and Finance Company Limited, Villupuram Branch dated 21.02.2025.



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For Petitioner(s): Mr.C.Abiman Reghunath

For Respondent(s): Mr.R.P.Muruganraja
Government Advocate

ORDER

This writ petition has been filed challenging the impugned refusal Check Slip dated 28.03.2025 issued by the 2nd respondent and for a consequential direction to the 2nd respondent to register the Memorandum of Deposit of Title Deed executed by the petitioner in favour of M/s. Chola mandalam Investment and Finance Company Limited, Villupuram Branch.

2.Heard Mr.V.Abiman Reghunath, learned counsel appearing on behalf of the petitioner and Mr.R.P.Muruganraja, learned Government Advocate appearing on behalf of respondents.

3.The 2nd respondent has issued a refusal Check slip mainly on the ground that an order of attachment has been passed by the Civil Court in E.P.No.1 of 2022 in O.S.No.22 of 2016 dated 21.08.2023.

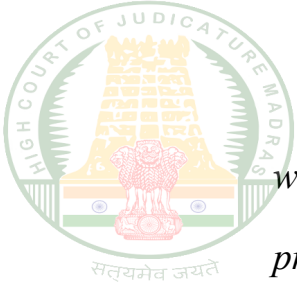


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4. In the considered view of this Court, the parties to the civil proceedings are one Palanisamy Mudaliar and Ramakrishna Reddiyar. The petitioner is claiming right over the property by virtue of a Settlement Deed dated 27.06.2017. The petitioner is not a party to the civil proceedings. The order of attachment has been passed towards recovery of a sum of Rs.1,40,414/-

5. The present case is squarely covered by the earlier order passed by this Court in W.P.(MD)No.8422 of 2021 dated 16.07.2021. The relevant portion is extracted hereunder:

10. It is clear from the above judgements that the sale of the subject-property is void only as against the claims enforceable under the order of attachment and not in respect of other claims. That apart, the order of attachment will not bind the petitioner, since he is not a party to the suit and even before the order of attachment was passed by the Civil Court, the petitioner had become the owner of the subject property. Therefore, there is no doubt in the mind of this Court that the order of attachment passed by the Civil Court on 01.09.2018



will not be a bar for the petitioner to deal with the subject property.

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6. In view of the above, the impugned refusal Check Slip issued by the 2nd respondent dated 28.03.2025, is hereby quashed and there shall be a direction to the 2nd respondent to register the Memorandum of Deposit of Title Deed executed by the petitioner in favour of M/s. Cholamandalam Investment and Finance Company Limited, Villupuram Branch, if it is otherwise in order.

7. In the result, this writ petition stands allowed with the above directions.

No Costs.

09-04-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To
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1.The District Registrar
Villupuram District.

2.The Sub Registrar
Anniyur, Villupuram District.



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N.ANAND VENKATESH J.

SSI

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