



WEB COPY

WP No. 12781 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-04-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 12781 of 2025

1. S.Srinivasan

S/o Shanmugam, No 84, Marappalam II
Road, K.A.S. Nagar, Erode 638 003

Petitioner(s)

Vs

1. The Inspector General Of
Registration
No 100, Santhome High Road, R.A.
Puram Chennai 28

2.The Sub Registrar
Sivagiri, Erode District 638 109

Respondent(s)

PRAYER

Writ petition filed under Article 226 of Constitution of India for the issue of writ of Mandamus directing the 2nd respondent to delete the entries in document No 35 of 2018, dated 26.07.2018, based on the representation of the petitioner, dated 22.03.2025



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For Petitioner(s): P.Kannankumar
For Respondent(s): Mr.U.Baranidharan
Special Government Pleader for
R1 and R2

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the 2nd respondent to delete the entry made on 26.07.2018 pertaining to an interim attachment order passed in a suit in OS No.427 of 2018, which was registered as document No.35 of 2018.

2. Heard Mr.P.Kannan Kumar, learned counsel for the petitioner and Mr.U.Baranidharan, learned Special Government Pleader for respondents 1 and 2.

3. The petitioner has purchased the subject property through a registered sale deed dated 25.04.2015 which was registered as document No.881 of 2015. A suit came to be filed against the vendor of the petitioner in OS No.427 of 2018 for recovery of money. In that suit, an application was filed for ABJ and the same was ordered and the attachment order was registered on the file of the 2nd respondent in document No.35 of 2018 on 26.07.2018. Thereafter, the suit itself came to be dismissed for non-prosecution on 28.06.2022. The grievance of the petitioner is that the order of interim



attachment which was registered continues to be reflected in the encumbrance certificate and hence, the petitioner submitted a representation to delete the said entry. Since the same was not acted upon, the present writ petition has been filed before this Court seeking for appropriate directions.

4. In the considered view of this Court, the petitioner was not a party to the suit and unfortunately, the vendor who was made as a defendant in the suit suffered an order of interim attachment. This order was registered on the file of the 2nd respondent. The specific case of the petitioner is that the suit itself came to be dismissed for non-prosecution on 28.06.2022 and the same has become final. In such an event, it is left open to the petitioner to register certified copy of the decree passed in OS No.427 of 2018 dated 28.0.2022 before the 2nd respondent and once the same is registered, the earlier attachment order which was registered as document No.35 of 2018 dated 26.07.2018 will automatically get reversed.

5. This writ petition is disposed of in the above terms. No costs.

17-04-2025

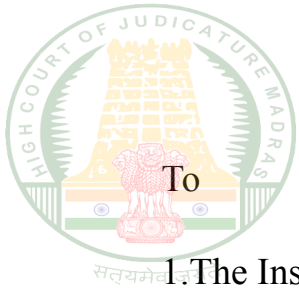
rka

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1.The Inspector General Of

Registration

No 100, Santhome High Road, R.A.

Puram Chennai 28

2.The Sub Registrar

Sivagiri Erode District 638 109



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N.ANAND VENKATESH J.

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