



WEB COPY



W.P.No.1089 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 1089 of 2025

V.Annamalai

...Petitioner

Vs.

1.The Sub Registrar,
Paappireddypatti Sub-Registrar Office,
Paappireddypatti,
Dharmapuri District.

2.The Zonal Manager
Indian Overseas Bank,
Salem.

3.The Manager,
Indian Overseas Bank,
Paappireddypatti Branch,
Dharapuri District

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to



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remove the encumbrance of petitioner property bearing s.nos. 65/4, 65/5 and 89/3 made by the 3rd respondent based on petitioner representation dated 08.11.2024 on merits and in accordance with law.

For Petitioner : Mr. D.Ashokkumar
For Respondents : Mr. M.Shahjahan
1 & 2 : Special Government Pleader.

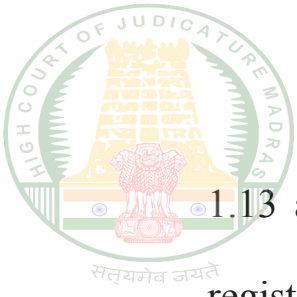
ORDER

The Writ Petition is filed for the following relief:

“To direct the 1st respondent to remove the encumbrance of petitioner property bearing s.nos. 65/4, 65/5 and 89/3 made by the 3rd respondent based on petitioner representation dated 08.11.2024 on merits and in accordance with law.

2. The petitioner had purchased lands in several survey numbers.

He had sold an extent of 0.46 acres in S.No.45/2 to one Jayabuvana under a registered sale deed dated 14.11.1981 and another extent of



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1.13 acres in the very same survey number to Rasool Khan under a registered sale deed dated 14.11.1981. Besides this survey number the petitioner also owned lands in S.Nos.65/4, 65/5 and 89/3 at Kundalamedu Village. Being an Octogenarian and besotted with age related ailments, the petitioner had decided to settle the properties on his daughter Tamilselvi and Kavitha. At this Juncture, the petitioner was shocked to find that the aforesaid three survey numbers had been attached as per Court orders for a loan said to have been availed by Rasool Khan from the 3rd respondent in the year 1993. These properties were never sold to Rasool Khan and the revenue records continued to remain in the name of the petitioner. Therefore, without applying his mind to the title of Rasool Khan to the property, the 3rd respondent mas made the wrong entries.

3. Therefore, the petitioner made a representation on 08.11.2024 to the respondents, requesting them to remove the encumbrance, which had been wrongly entered. However till date no action has been taken. Hence, the Writ Petition.



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4. Heard the learned counsels on the either side and perused the records.

5. The attachment that is sought to be raised is one made pursuant to the orders of this Court. The remedy available to the petitioner is only to approach the Civil Court for obtaining necessary orders raising the attachment. The 3rd respondent does not have the power to remove the entry which has been made pursuant to orders of a Civil Court.

6. Therefore, the Writ Petition is dismissed. No costs.

22.01.2025

Index : Yes/No

Internet : Yes/No

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To

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P.T. ASHA, J.



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