



W.P.(MD)No.6439 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2025**

CORAM

THE HONOURABLE MR.JUSTICE **V. LAKSHMINARAYANAN**

W.P.(MD)No.6439 of 2025

D.Sumathira

... Petitioner

vs.

1.The Sub Registrar,
Sattur,
Virudhunagar District.

2.The General Manager,
Indian Bank,
No.66, Rajaji Road,
Chennai – 01.

3.The Manager,
Indian Bank,
Ramasamy Nagar Branch,
Thulukkapatti Village,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to issue a letter to the 1st respondent to raise the attachment registered upon the property mentioned in the above schedule and consequential direction directing the 1st respondent to raise the attachment registered on 14.08.2001, 11.09.2001 and 19.11.2001 dates as document no. 6/2001.



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For Petitioner :Ms.Lakshmi Gopinathan
for M/s.Polax Legal Solutions
For Respondents :Mr.R.Sureshkumar (R1)
Additional Government Pleader
: Mr.C.Karthika (R2 & R3)
for Mr.C.Karthik

ORDER

The petitioner is the owner of the following properties:-

Item 1: A puncha land with an extent of one acre comprised in Survey No.185/7 on the North East in the land of 3 acres and 42 cents in Thulukapatti Village in Virudhunagar Taluk.

Item 2: Puncha land with an extent of 15 acres and 86 cents comprised in survey No.352/7 with an extent of 3 acres and 23 cents, survey No.304/1 with an extent of 2 acres and 91 cents, survey No.292/1A with an extent of 1 acre and 52 cents, survey No.291/2 with an extent of 97 cents, survey No.291/4 with an extent of 1 acre and 20 cents, survey No.185/8 with an extent of 2 acres and 06 cents, survey No.317/5 with an extent of 1 acre and 55 cents and survey No.185/7 with an extent of 2 acres and 42 cents out of 3 acres and 42 cents in Thulukapatti Village in Virudhunagar Taluk.

Item 3: Puncha land with an extent of 13 acres and 38 cents comprised in survey no. 317/2 with an extent of 88 cents, survey no. 291/3 with an extent of 1 acre and 27 cents, survey no. 292/2 with an extent of 85 cents, survey no.292/5 with an extent of 1 acre and 16 cents, survey no. 305/1 with an extent of 98 cents, survey no.295/2 with an extent of 86 cents, survey no. 292/1B with an extent of 1 acre and 49 cents, survey no. 292/3 with an extent of 1 acre and 38 cents, survey no. 29 /4 with an extent of 98 cents, survey no.305/2 with an extent of 1 acre and 40 cents, survey no.295/4 with an extent of 82 cents and survey no.291/1 with an extent of 1 acre and 31 cents in Thulukapatti Village in Virudhunagar Taluk.



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extent of 82 cents and survey no.291/1 with an extent of 1 acre and 31 cents in Thulukapatti Village in Virudhunagar Taluk.

Item 4: A puncha land with an extent of 3 acres and 34 cents comprised in Jamin Survey No.194 corresponding to new survey No. 289/1 with an extent of 1 acre and 16 cents and in survey no.289/2 with an extent of 5 acres and 49 cents out of these 6 acres and 65 cents Northern half with an extent of 3 acres and 34 cents within the registration jurisdiction of Sattur Sub registration office in Sundaralingapuram village in Thulukapatti village in Virudhunagar Taluk.

Item 5: A puncha land with an extent of 4 acres and 58 cents comprised in survey no.291/5 Thulukapatti village in Virudhunagar Taluk.

Item 6: A residential building bearing door No.4/44 comprised in Natham survey No.222/3 in keelapooovani village in the jurisdiction of Kadampoor sub-registrar office in Palayamkottai registration district with an extent of East West 23-1/2 feet, South North 66 feet, within the bour boundaries of

1. South of East West Street,
2. West of the house of R. Veerappa Naicker,
3. North of East West Street and
4. East of the house of Lingammal and the common wall.

2. The petitioner had mortgaged the properties with the third respondent bank. On account of default committed by her, the bank had initiated recovery proceedings before the Debts Recovery Tribunal at Chennai in OA No.1061 of 1999. The proceeding was decreed and a recovery certificate was also issued on 16.11.2000 in recovery certificate No.339/2000.



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WEB COPY 3. On the strength of the recovery certificate, proceedings were initiated before the Debts Recovery Tribunal – II at Chennai, in DRC No.343/2001. The Debts Recovery Tribunal – II also attached the properties on 14.08.2001.

4. Subsequently, the petitioner repaid the loans and got a discharge receipt from the bank on 06.09.2013. The discharge receipt was registered with the first respondent as Document No.7967/2013. Despite the same, the attachment continued to be recorded on the file of the first respondent. Hence, the petitioner gave a representation on 14.02.2025 and came forward with the present writ petition.

5. When the matter came up for admission, I pointed out to the learned counsel for the petitioner that as the attachment has been made by Debts Recovery Tribunal – II, the order of lifting the attachment would have been passed, before the same is registered by the first respondent. The learned counsel appearing for the petitioner sought time for moving an appropriate application before the Debts Recovery Tribunal – II, Chennai, and the matter is adjourned to enable the petitioner to do the needful.



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WEB COPY 6. I heard Ms.Lakshmi Gopinathan, for the petitioner, Mr.R.Sureshkumar, learned Additional Government Pleader for the first respondent and Mr.C.Karthik, for the respondents 2 and 3.

7. Ms.Lakshmi Gopinathan, has produced the order passed by the Debts Recovery Tribunal – II, Chennai, dated 24.03.2025. In terms of the said order, the Debts Recovery Tribunal – II, Chennai, has lifted the order of attachment in Dy.No.463/2025 in DRC No. 343/2001 in OA No.28/2005.

8. As the order of attachment has been lifted by the Tribunal, which attached the property, the bar under Section 22 B(3) of the Registration Act stands raised. Accordingly, there shall be a direction to the first respondent to record the raising of the attachment in the encumbrance certificate.

9. Mr.R.Sureshkumar, learned Additional Government Pleader states that the said exercise will be completed by 24.04.2025.

10. In result, this Writ Petition is disposed of. No costs.

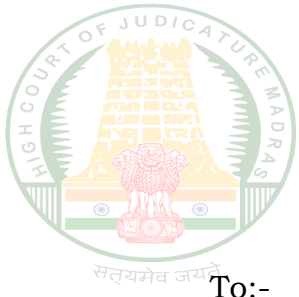


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WEB COPY 11. Call 'For compliance' on **29.04.2025**.

Index :Yes / No
NCC :Yes / No
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16.04.2025



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To:-

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1.The Sub Registrar,
Sattur,
Virudhunagar District.



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V. LAKSHMINARAYANAN, J.

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