



W.P.(MD).No.8536 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD).No.8536 of 2025

K.Sakthivel

.. Petitioner

Versus

1.The District Registrar,
District Registration Office,
Virudhunagar District.

2.The Sub Registrar,
Kariyapatti Sub Registrar Office,
Virudhunagar District. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Mandamus directing the respondents to take necessary steps to clarify the mistakes committed on the property situation at S.Kallupatti Village, Kariyapatti Registration District in Survey No.133/4 Punjai Hectage 0.74.62 Ares South end Cent 7 based on the representation to the respondent dated 23.11.2024 within the time limit.

For Petitioner : Mr.P.Veerapandi

For Respondents : Mr.N.Ramesh Arumugam,
1 & 2 Government Advocate



W.P.(MD).No.8536 of 2025

WEB COPY

ORDER

The petitioner seeks for the following relief:

“directing the respondents to take necessary steps to clarify the mistakes committed on the property situation at S.Kallupatti Village, Kariyapatti Registration District in Survey No.133/4 Punjai Hectage 0.74.62 Ares South end Cent 7 based on the representation to the respondent dated 23.11.2024 within the time limit.”

2. The petitioner states that he purchased the property, which is the subject matter of the writ petition, from one Mr.Solaipandi, S/o. Rasu Thevar by way of registered document dated 22.07.2020 in document No. 1499/2020. The petitioner states that he approached the second respondent for the purpose of obtaining the Encumbrance Certificate and obtained the same. At that time, he came to know that the property purchased by him was the subject matter of attachment in O.S.No.169/2019. He pleads that this order of attachment is illegal, as he had purchased the property much earlier than the order of attachment, passed by the learned Sub Court at Aruppukkottai. Hence, this writ petition seeking mandamus to dispose of



W.P.(MD).No.8536 of 2025

WEB COPY

the representation dated 23.11.2024 by correcting the error that had crept in to the Encumbrance Certificate.

3. I heard Mr.P.Veerapandi for the petitioner and Mr.N.Ramesh Arumugam for the respondents. I have gone through the records.

4. In terms of Section 22-A(3) of the Registration Act, where there is an order of attachment of an immovable property, Sub Registrar has been statutorily directed not to register any document pertaining to same. The plea of Mr.P.Veerapandi is that he is not a party to the suit in O.S.No.169 of 2019 and it is his vendor Mr.Solaipandi who is a party to the same. According to him, even before the order was passed in the suit, Mr.Solaipandi alienated the property in his favour. On the date of attachment, Mr.Solaipandi was no more the owner of the property and it was the writ petitioner who was the owner. Therefore, he states that the order of attachment to be lifted.

5. As pointed out above, once there is an order of attachment, the respondents are not entitled to register any document. If the petitioner pleads that he became the owner of the property and that the order of attachment does not bind him, the proper remedy is not to approach the



W.P.(MD).No.8536 of 2025

WEB COPY

respondents 1 and 2 by way of a representation but to file an application under Order XXI Rule 58 of CPC and seek for adjudication of his right. Instead of following that procedure, he has been knocking of the wrong door.

6. Leaving it open to the petitioner to file an appropriate application before the Sub Court at Aruppukkottai to raise the attachment, this writ petition is dismissed. No costs.

09.04.2025

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no



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W.P.(MD).No.8536 of 2025

To

- 1.The District Registrar (Administration),
Palayankottai,
Tirunelveli District.
- 2.The Sub Registrar,
Palayankottai Joint-I,
Tirunelveli District.



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W.P.(MD).No.8536 of 2025

V.LAKSHMINARAYANAN, J.

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W.P.(MD).No.8536 of 2025

09.04.2025