



W.P.(MD) No.9323 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD) No.9323 of 2025

Vellaichamy ... Petitioner

Vs

The Sub-Registrar,
Office of Sub Registrar,
Kulithalai,
Karur District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the impugned Refusal Slip in Refusal Number. RFL/Kulithalai/1/2025, dated 02.01.2025, issued by the respondent, and quash the same as illegal and arbitrary and consequently direct the respondent to register the sale deed, dated 02.01.2025, presented by the petitioner for registration.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.R.Suresh Kumar,
Addl. Govt. Pleader.



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ORDER

The petitioner seeks for the following relief :

"Writ of certiorarified mandamus, to call for the records pertaining to the impugned Refusal Slip in Refusal Number.RFL/Kulithalai/1/2025, dated 02.01.2025, issued by the respondent, and quash the same as illegal and arbitrary and consequently direct the respondent to register the sale deed, dated 02.01.2025, presented by the petitioner for registration."

2. There exists an order of attachment, passed by the learned District Munsif at Kulithalai. Referring to the said attachment, the respondent issued Refusal Check Slip.

3. In terms of Section 22-B (3) of the Registration Act, the Sub-Registrar is duty bound to take note of attachment orders passed by a competent authority under the State or the Central law, or by a Court or Tribunal. The section brooks no exception.

4. The case of the petitioner is that he purchased the property in the year 1991 and alienated the same in the year 2025. At the time of alienation, the Sub-Registrar, taking note of Section 22-B (3) of the Registration Act, refused to register the document, pointing out an entry of attachment order pursuant to an order in O.S.No.19 of 1996 and E.P.No.33 of 1996, on the file of District Munsif Court, Kulithalai.



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5. Mr.Pon Karthikeyan, for the petitioner, urges that title had vested with the petitioner as early the year 1991 and, therefore, the order of attachment passed in 1996 cannot bind the petitioner. He is absolutely right in his submission, but he is before the wrong forum.

6. The order of attachment was passed by learned District Munsif and it may be raised only by the learned District Munsif. This Court, in the exercise of its power under Article 226 of the Constitution of India, cannot indirectly set aside the order of attachment, even if the facts involved make out a case for raising the attachment. A party, who is aggrieved by an order of attachment, is entitled to proceed under Order 21 Rule 58 of the Code of Civil Procedure. A proceeding under Order 21 Rule 58 of the Code of Civil Procedure, to adjudicate a claim, is to be tried as a suit. The decree holder, the judgment debtor as well as the claim petitioner will be given an opportunity to let in evidence. Even though this Court retains the power to record evidence, I do not find it appropriate to convert a petition under Article 226 of the Constitution into one of claim petition under Order 21 Rule 58 of C.P.C.

7. I am not in a position to quash the impugned refusal check slip, since the Sub-Registrar has merely taken note of the attachment and



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issued a consequent order. The Sub-Registrar is duty bound to take note of the attachment, as stated above.

8. In the light of the above discussion, this Writ Petition is dismissed. The cause of action for the petitioner to a claim petition has arisen only in January,2025, when he presented the sale deed for registration. Therefore, the petitioner shall file an application under Order 21 Rule 58 of C.P.C., on or before 30.06.2025. In case he files the application within the time fixed by this Court, the bar under Order 21 Rule 58 (1) (b) of C.P.C. will not operate against the petitioner. No costs.

04.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To:

The Sub-Registrar,
Office of Sub Registrar,
Kulithalai,
Karur District.



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V.LAKSHMINARAYANAN, J.

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