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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.18348 of 2025

Subalatha

...Petitioner

Vs.

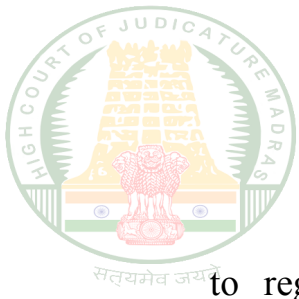
1.The District Registrar,
Sivagangai District,
Sivagangai.

2.The Joint Sub Registrar- II,
Sivagangai District,
Sivagangai.

3.The Sub Registrar,
N.N.570 Keelakandani Primary
Agricultural Co-Operative Credit Society,
Sivagangai District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Refusal Check Slip issued by the 2nd respondent in his proceedings in No.13/25 dated 23.04.2025 and quash the same as illegal and consequently directing the 2nd Respondent



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to register the Sale Deed dated 23.04.2025 executed between the Petitioner and Kanchanadevi, W/o. Palani to an extent of 860 sq.ft at Door No.21/1, Thagur Street, Ward No.9, Sivagangai Town, Sivagangai District by deleting the encumbrance made by the 3rd respondent dated 30.03.2022 in the above property, within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents :Mr.S.Saji Bino
Special Government Pleader for R1 and R2

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus, to quash the Refusal Check Slip issued by the 2nd respondent in his proceedings in No.13/25 dated 23.04.2025 and consequently directing the 2nd Respondent to register the Sale Deed dated 23.04.2025 by deleting the encumbrance made by the 3rd respondent dated 30.03.2022 in the above property, within the period that may be stipulated by this Court.

2. The learned Special Government Pleader appearing for respondents 1 and 2 submitted that, based on the proceedings of the 3rd



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respondent, an attachment of the disputed property was registered which reflects in the Encumbrance Certificate. He further submitted that although the attachment was made as early as 2013, the entry was recorded only subsequently. Therefore, the petitioner's claim cannot be entertained.

3. The learned counsel appearing for the petitioner submitted that the said attachment order was passed without affording an opportunity to the petitioner. Moreover, the impugned order was passed without notice, thereby violating the principles of natural justice.

4. Considering the facts of the case, the impugned Refusal Check Slip issued by the 2nd respondent dated 23.04.2025 is hereby quashed. The 2nd respondent is directed to conduct enquiry after issuing notice to the petitioner as well as the 3rd respondent. The 3rd respondent shall serve the copies of attachment and relevant documents to the petitioner. Thereafter consider the claim of the petitioner as well as the 3rd respondent and pass appropriate order within a period of 12 weeks from the date of receipt of a copy of the order.



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5. With these observations, this writ petition is disposed. No

Costs.

28.07.2025

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



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To:

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Sivagangai District,
Sivagangai.
2. The Joint Sub Registrar- II,
Sivagangai District,
Sivagangai.
3. The Sub Registrar,
N.N.570 Keelakandani Primary
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S.SRIMATHY, J.

KSA

**ORDER MADE IN
W.P(MD)No.18348 of 2025**

DATED :28.07.2025