



W.P.(MD)No.36579 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2026

CORAM

THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.36579 of 2025

V.Chidambaram

...Petitioner

vs.

1. The Sub Registrar,
Sub Registrar Office,
Vallam,
Thanjavur District.

2. N. Dhanaraj

3. D. Senthilkumar

4. Thanjavur Bank of Madura Chit Funds Ltd,
Giri Road,
Srinivasapuram,
Thanjavur.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to remove the entry of attachment order made in E.P.No.80 of 1987 in O.S.No.83 of 1977 on the file of the Sub Court, Thanjavur dated 04.11.1987 registered vide L.No. 6/1987 dated 30.11.1987 on the file of the 1st respondent in so far as the petitioner's land in S.No.289 situated at Vannarapettai Village, Thanjavur District is concerned within the time stipulated by this Court.

For Petitioner : Mr.P.R.Prithiviraj



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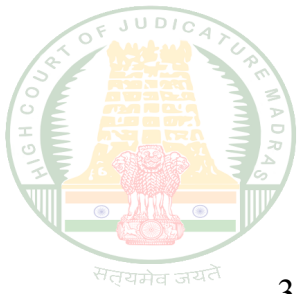
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For Respondents : Mr.A.Kannan,
Additional Government Pleader for R1
Mr.A.Arun Prasad for R3

ORDER

This Writ Petition has been filed to direct the first respondent to remove the entry of attachment order made in E.P.No.80 of 1987 in O.S.No. 83 of 1977 on the file of the Sub Court, Thanjavur dated 04.11.1987 registered vide L.No. 6/1987 dated 30.11.1987 on the file of the first respondent insofar as the petitioner's land in S.No.289 situated at Vannarapettai Village, Thanjavur District is concerned.

2. The learned counsel appearing for the petitioner would submit that in the present case, attachment order was passed in E.P.No.80 of 1987 in O.S.No.83 of 1977 on the file of the Sub Court, Thanjavur on 04.11.1987. The same was registered by the first respondent in L.No. 6/1987 on 30.11.1987. The said encumbrance is still in existence. The aforesaid E.P.No.80 of 1987 has been terminated by the Court itself. Once the EP is terminated, whatever attachment order passed therein will come to end. Hence, the present petition is filed to remove the attachment order passed by the EP Court, which is registered with the first respondent.



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3. The learned Additional Government Pleader appearing for the first respondent would submit that unless and otherwise an order for raising the attachment is passed by the same EP Court in E.P.No.80 of 1987, the first respondent would not be in a position to neutralise the attachment order registered by them. However, he would submit that if any orders are passed by this Court, the first respondent is ready and willing to comply with the same.

4. Heard both sides.

5. In the present case, attachment order was passed on 04.11.1987 and registered with the first respondent on 30.11.1987. Even after termination of EP, there was no communication to the first respondent with regard to the same. In paragraph no.5 of the affidavit filed in support of this petition, the petitioner has stated as follows:-

"5. I respectfully state that under the said circumstances, I have filed an application on 11.07.2024 U/s. 151 of CPC before the Principal Sub Court, Thanjavur and sought for Suit register and other documents pertaining to the above E.P. No. 80 of 1987 in O.S.No. 83 of 1977 on the file of the Sub Court, Thanjavur dated 04.11.1987. The same was returned by the Learned Court on 12.07.2024 by saying that "E.P.



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Register destroyed'. Subsequently the same was represented and the same was also returned on 22.10.2024 by saying that "E.P. Register destroyed'. The concerned staffs of the Learned Court informed me that the above records were destroyed and hence they are not in position to furnish the status of the above case."

6. By referring to the above, the learned counsel appearing for the petitioner would submit that when the petitioner approached the EP Court, he was informed that the EP register itself has already been destroyed.

7. It is pertinent to mention that unless and otherwise EP is terminated, there is no question of destroying the records. Once EP is terminated, all interim orders including the attachment order will come to end. In such view of the matter, since E.P.No.80 of 1987 in O.S.No.83 of 1977 on the file of the Sub Court, Thanjavur has already been terminated, the attachment order passed on 04.11.1987 will come to end.

8. In view of the same, the petitioner is granted liberty to file this order before the first respondent and once this order is filed, the first respondent is directed to make necessary entries in the concerned register forthwith and by virtue of the same, the attachment order will automatically get neutralised.



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9. Accordingly, this Writ Petition is disposed of. No costs.

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Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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To

The Sub Registrar,
Sub Registrar Office,
Vallam,
Thanjavur District.



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KRISHNAN RAMASAMY, J.

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