

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.33749 of 2017
and W.M.P Nos.37387 & 37388 of 2017

N.Prakash Reddy

Petitioner

vs.

1. The Deputy Superintendent of Police,
EOW - II,
Vennangudi Muniyappan Koil back side,
Annam Marriage Hall,
Zahir Ammapalayam,
Salem District.

2. The Sub Registrar,
Yercaud,
Salem District.

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letter regarding the proceedings vide C.No.34/DSP/EOW-II/SLM/2017 dated 30.03.2017 of the 1st Respondent communicated to the 2nd Respondent herein and quash the same and directing the 1st respondent not to threaten me by way of issuing summons regarding the property situated in the Old Survey No.14/7 and New Survey No.14/7B1B with an extend of 8400 square feet at no.11, Kiliyur Village, Yercaud Taluk, Krishnagiri District.

For Petitioner : Mr.A.Prakash & S.Venkatesh

For Respondents: Mr.C.Raghavan
Government Advocate for R1

Mr.T.M.Pappiah
Special Government Pleader
for R2

ORDER

This writ petition has been filed challenging the impugned letter issued by the 1st respondent to the 2nd respondent dated 30.03.2017 wherein the 2nd respondent has been directed not to register any document pertaining to the

subject property.

2. When the matter came up for hearing on 16.02.2021, this Court passed the following order:

The subject matter of challenge in the present writ petition is the communication made by the 1st respondent to the 2nd respondent dated 30.03.2017 directing the 2nd respondent not to register any documents pertaining to the subject property.

2. It is seen from records that the FIR has been registered for various offences including the TNPID Act.

3. The learned Additional Public Prosecutor is directed to take instructions as to whether independent proceedings were initiated by the competent authority to attach the properties and inform this Court.

4. Post this case on 23.02.2021.

3. When the matter was taken up for hearing today, the learned Government Advocate on instructions submitted that till date no independent proceedings have been initiated by the competent authority to attach the properties in question.

4. In view of the specific stand taken by the 1st respondent, this Court is of the considered view that the 1st respondent does not have the jurisdiction to direct the 2nd respondent who is a statutory authority, not to register any document pertaining to the subject property. Such a power is not available to the 1st respondent under any enactment.

5. In view of the above, the impugned communication of the 1st respondent dated 30.03.2017 is hereby quashed. It is made clear that this order will not come in the way of the respondent to initiate appropriate proceedings for attachment of the property, if so advised.

6. This writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
EOW - II,
Vennangudi Muniyappan Koil back side,
Annam Marriage Hall,
Zahir Ammapalayam,
Salem District.
2. The Sub Registrar,
Yercaud,
Salem District.
3. The Public Prosecutor,
High Court of Madras,
Madras.

+1cc to M/s.S.Kumara Devan, Advocate SR.10915

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CB(05/03/2021)