



W.P. No. 22115 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.22115 of 2022

and

W.M.P.No.25916 of 2022

V. Mahendran

.. Petitioner

Versus

1. The Principal Secretary to Government (Home Department)
Secretariat, Chennai 600 009.

2. The Additional Director General of Police,
Director General of Police Office, Chennai 600 032.

3. Inspector General of Police, crime
Chennai 600 032.

4. The District Collector,
North Madras, Chennai – 600 001

5. The District Registrar,
North Madras, Chennai – 600 001

6. The Sub Registrar,
Madhavaram, Chennai – 60

.. Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the first respondent to release the petitioner's property bearing D.No.12 No.1A 21st Union carbine colony, Kodngaiyur, Chennai from the attachment order and further direct the 5th and 6th respondent to carry out the amendments in the records of Registration Department and pass orders.

For Petitioner : Mr.D. Raja Gopal

For Respondents 1 to 4 : Mr. A.Selvendran
Special Government Pleader

For Respondents 5 and 6 : Mr. A.Selvendran
Additional Government Pleader

ORDER

The present writ petition has been filed directing the first respondent to release the petitioner's property bearing D.No.12 No.1A 21st Union carbine colony, Kodngaiyur, Chennai from the attachment order and further direct the 5th and 6th respondent to carry out the amendments in the records of Registration Department.



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2. The case of the petitioner is that the petitioner purchased the subject property in the year 2008 and he was in possession and enjoyment of the same. Whiles in the year 2011 the Government of Tamil Nadu, Home Department passed an order under Section 3 of Criminal Law Amendment Act attached petitioner's property along with other properties vide G.O.Ms.No.410 dated 22.07.2011. The grievance of the petitioner is that due to act the petitioner's vendor only the property came to be attached and the petitioner is a bonafide purchaser and reflecting encumbrance in the subject property is against law and to remove the encumbrance the petitioner has filed this writ petition.

3. The learned counsel appearing for the petitioner submits that it would be suffice if this Court permits the petitioner to challenge the G.O.Ms.No.410 dated 22.07.2011 in the manner known to law.

4. The learned Additional Government pleader and the special government pleader appearing for the respondents would submits that the property was attached under Section 3 of Criminal Law Amendment Act.



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He further submits that the offences involved mandates to attach the property the same was carried out based on the above Government Order.

5. Recording the submission made by the learned counsel for the petitioner, no further adjudication is required in the present Writ Petition. However, liberty is granted to the petitioner to workout the remedy in the manner known to law. Hence the Writ Petition stands dismissed. No costs. Consequently the connected miscellaneous petition is closed.

23.11.2022

Index : Yes / No
Internet : Yes / No
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M.DHANDAPANI, J.

smn

To

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