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W.P.No.1838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

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THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.1838 of 2023

C.Varadharajan

... Petitioner

Versus

The Sub Registrar,
Singanallur Sub Registrar Office,
Vellalur, Coimbatore District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to remove the wrongful entry under G.O.Ms. No.549 Home (Courts- IIA) Department dated 19.06.2003 on the file of respondent office with regard to petitioner property in No. 187/1 the total extent of 3.74 acres at Papampatti Village , Coimbatore district as per the G.O.Ms.No.391 Home (Courts IIA) Department, dated 17.05.2006 and consider the petitioners representation dated 7.11.2022 within a stipulated time.

For Petitioner : Mr.R.K.Kumaresan

For Respondent : Mr.Yogesh Kannadasan, SGP



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ORDER

This Writ Petition has been filed seeking a direction to the respondent to remove the wrongful entry under G.O.Ms. No.549 Home (Courts- IIA) Department, dated 19.06.2003 on the file of respondent office with regard to petitioner property in No. 187/1 the total extent of 3.74 acres at Papampatti Village, Coimbatore District as per the G.O.Ms.No.391 Home (Courts IIA) Department, dated 17.05.2006 and consider the petitioners representation dated 07.11.2022 within a stipulated time.

2. Mr.Yogesh Kannadasan, learned Special Government Pleader takes notice on behalf of the respondent.

3. It is the main contention of the petitioner that he is the owner of the property in S.F.No.187/1 measuring an extent of 3.74 acres situated at Papampatti Village, Coimbatore District and the same was inadvertently attached by the Government in the proceedings initiated under the TANPID Act, 1997. Subsequently, an FIR filed under TANPID Act has been closed in view of the compromise entered into between the complainant and the accused. The Special Court for TANPID Act, Chennai also passed an order raising the attachment. Consequently, the Government Order in G.O.Ms.No.391, Home



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(Courts-IIA) Department, dated 17.05.2006 has also passed by the Government for raising the interim attachment. Despite the above, the wrongful entry has not been removed in the concerned register of the respondent's office with respect to the petitioner's property. Hence, the present writ petition.

4. The learned Special Government on instructions, submitted that the Government Order has not been communicated directly from the concerned department. Therefore, the respondent has not removed the entry from the register. If the said G.O. is communicated to the respondent directly from the concerned Department, the respondent will remove the entry in respect of the subject property.

5. It is relevant to note that it is not in dispute that the attachment has already raised by the Special Court for TANPID Act, Chennai in O.A.No.2/2006 vide its order dated 18.01.2006. Thereafter, the Government has also passed the Government Order in G.O.Ms.No.391 dated 17.05.2006, wherein, the interim attachment order has been raised. When the G.O. has already been passed and published, the question of forwarding the G.O. by the concerned department is not required. The very publication of the G.O. Itself is a public notice.



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6. Such view of the matter, this Court directs the respondent to remove the wrongful entry in the concerned register in respect of the subject property within a period of one month from the date of receipt of a copy of this order.

7. With the above observation, the writ petition is allowed. No costs.

27.01.2023

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To

The Sub Registrar,
Singanallur Sub Registrar Office,
Vellalur, Coimbatore District.



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N.SATHISH KUMAR, J.

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