



W.P.Nos.19736, 19748 & 19741 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.19736, 19748 & 19741 of 2023

and

W.M.P.Nos.19019, 19023 & 19038 of 2023

W.P.No.19736 of 2023

and W.M.P.No.19019 of 2023 :

S.Poorvadevi

... Petitioner

Vs.

1.The Deputy Director (HIU-2(3))
Directorate Of Enforcement, New Delhi.

2.The Sub-Registrar,
Office Of Sub-Registrar,
Tambaram.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondent to register indentures of any nature presented by the petitioner pertaining to his properties bearing No. Y6 measuring 1040 sq.ft comprised in Survey No. 579/2, New survey No.579 / 63 as per new patta no 13947, in the layout named 'Sri Sai Avenue' situated at No.9, Nedungundram Village, Vandalur Taluk, Chengalpattu District unbiased by the attachment order F No. ECIR / 04 / DLZO-II / 2018 / 3084, 3082 passed by the 1st



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respondent.

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W.P.No.19741 of 2023
and W.M.P.No.19023 of 2023 :

A.Bala

... Petitioner

Vs.

1.The Deputy Director (HIU-2(3))
Directorate Of Enforcement, New Delhi.

2.The Sub-Registrar,
Office Of Sub-Registrar,
Tambaram.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondent to register indentures of any nature presented by the petitioner pertaining to his properties bearing No. 5A-2 measuring 867 sq.ft comprised in Survey No. 579/2, New survey No. 579 / 64 as per new patta no. 13950 in the layout named 'Sri Sai Avenue' situated at No. 9 Nedungundram Village Vandalur Taluk, Chengalpattu District unbiased by the attachment order F No. ECIR / 04 / DLZO-II / 2018 / 3084, 3082 passed by the 1st respondent.

W.P.No.19748 of 2023
and W.M.P.No.19038 of 2023 :

N.Arimuthiah

... Petitioner

Vs.



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1.The Deputy Director (HIU-2(3)) ,
Directorate Of Enforcement, New Delhi.

2.The Sub-Registrar,
Office Of Sub-Registrar,
Tambaram.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 2nd respondent to register indentures of any nature presented by the petitioner pertaining to his properties bearing No. 5A-1 measuring 927 sq.ft comprised in Survey No. 579/2, New survey No. 579 / 65 as per new patta no 13951 in the layout named 'Sri Sai Avenue' situated at No. 9, Nedungundram Village, Vandalur Taluk, Chengalpattu District unbiased by the attachment order F. No. ECIR / 04 / DLZO-II / 2018 / 3084, 3082, passed by the 1st respondent.

For Petitioners in all W.Ps. : Mr.D.Saikumaran

For Respondents in all W.Ps.:

(for R1) : Mr.Rajanish Pathiyil

(for R2) : Mr.G.Krishna Raja
Additional Government Pleader

COMMON ORDER

The relief sought for in the present writ petitions is to direct the second respondent to register indentures of any nature presented by the



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petitioners pertaining to their properties.

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2. The petitioners presented sale deed for registration. The second respondent / registering authority refused to register the same on the ground that certain properties of the petitioners were already attached by the Directorate of Enforcement under P.M.L.A. (The Prevention of Money Laundering Act, 2002). In this regard, the first respondent filed a counter affidavit stating as follows:

“Without transversing to the averments in the affidavit, it is submitted that the properties bearing No.Y6 measuring 1040 sq.ft comprised in Survey No. 579/2, New Survey No.579/63 as per new patta no.13947 in the layout named 'Sri Sai Avenue' situated at No.9, Nedungundram Village, Vandalur Taluk, Chengalpattu District has not been provisionally attached and is not part of the Provisional Attachment Order No.03/2022 dated 15.02.2022 in the case of Unitech Limited and others.”



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3. Since the subject properties mentioned in the present writ petitions are not attached by the Directorate of Enforcement, there is no impediment for registering the document, if any presented by the petitioners in respect of the subject properties stated in the present writ petitions.

4. Accordingly, the second respondent is directed to proceed with the registration if the documents presented are in consonance with the provisions of the Registration Act and Rules. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petitions stand **allowed**. No costs. Consequently, connected miscellaneous petitions are closed.

04.09.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1.The Deputy Director (HIU-2(3))
Directorate Of Enforcement, New Delhi.



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2. The Sub-Registrar,
Office Of Sub-Registrar,
Tambaram.



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S.M.SUBRAMANIAM. J.,

(sha)

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