



W.P.No.29667 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29667 of 2023

Rattan Kumar

... Petitioner

versus

- 1.The Sub-Registrar,
Anna Nagar Registration Department,
576, Mogappair West,
Ambattur Industrial Estate,
Chennai – 600 037.
- 2.The District Registrar,
Central Chennai
Registration Department,
No.268, Bharathi Salai, Royapettah,
Chennai – 600 014.
- 3.The Inspector General of Registration,
Registration Department,
Santhome Road, Chennai.
- 4.Tax Recovery Officer,
Office of the Tax Recovery Officer,
Central -I, Income Tax Department,
No.46, (Old No.108), New Building Third Floor,
Nungambakkam High Road,
Chennai – 600 034.

... Respondents



W.P.No.29667 of 2023

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing respondents 1 to 3 to make an entry in the Encumbrance Certificate with regard to the Order of raising the attachment, dated 17.04.2023 for the property bearing Door No.G83, New No.3, Anna Nagar East, Chennai -102 comprised in T.S.No.1 part and 2 part, Block No.5, situated at Periakudal Village, admeasuring an extent of 1 ground and 1040 sq.ft by considering the petitioner's representation dated 10.08.2023.

For Petitioner : Mr.S.Poovendhan

For Respondents : Mr.R.P.Murugan Raja
Additional Government Pleader
for R1 to R3

ORDER

Mr.R.P.Murugan Raja, learned Additional Government Pleader takes notice for respondents 1 to 3. By consent of both the parties the writ petition is taken up for final disposal at the admission stage, itself.

2. The petitioner seeks for a mandamus directing respondents 1 to 3 to consider his representation dated 10.08.2023, wherein and whereby, he requested the respondents 1 to 3 to make an entry in the Encumbrance Certificate with regard to the order of raising the attachment,

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dated 17.04.2023 for the property bearing Door No.G83, New No.3, Anna Nagar East, Chennai -102 comprised in T.S.No.1 part and 2 part, Block No.5, situated at Periakudal Village, admeasuring an extent of 1 ground and 1040 sq.ft.

3. The learned counsel for the petitioner submitted that the subject property was attached by the fourth respondent/Income Tax Department for tax arrears, the said attachment order was registered as Doc.Nos.93 of 2005 and 14 of 2006, respectively by the first respondent and hence, the same was reflected in the Encumbrance Certificate. Subsequently, the dues with the Government was cleared and the attachment was raised and lifted by the fourth respondent. The fourth respondent also issued an order of lifting of immovable property attachment, dated 17.04.2023. The said letter was sent to the first respondent/Sub Registrar, however, the first respondent has not made any entries with regard to the lifting of attachment in the Encumbrance Certificate. Hence, the petitioner has given a representation dated 10.07.2023, but the respondents 1 to 3 have not considered the same yet.

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5. Recording the same, this Writ petition is dismissed as having been unavailing. There shall be no order as to costs.

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Speaking/Non-speaking order
Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Sub-Registrar,
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576, Mogappair West,
Ambattur Industrial Estate,
Chennai – 600 037.
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Central Chennai
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Office of the Tax Recovery Officer,
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Pg.Nos.5/6



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