



W.P(MD)No.9286 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9286 of 2023

and

W.M.P(MD)Nos.8338 of 2023

1.S.Venugopal

2.Manimala

... Petitioners

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home (Police XIX) Department,
Fort St.George,
Chennai -09.

2.The Competent Authority and
District Revenue Officer,
Karur,
Karur District.

3.The District Collector,
Karur District,
Karur.

4.The Sub Registrar,
Melakarur Registration Office,
Karur.



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5. The Sub Registrar,
Joint-I Registration Office,
Karur.

6. The Inspector of Police,
Economics Offence Wing-II,
Karur,
Karur District
(Crime No.7 of 2007)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in G.O.Ms.No.843 Home (Police XIX) Department dated 12.12.2011 and quash the same and consequently direct the 3rd and 4th respondents to delete or make necessary entries in the registration record including encumbrance certificate by removing the entry of attachment made on the basis of G.O.Ms.No.843 Home (Police XIX) Department dated 12.12.2011 in respect of the 1st petitioner having land and building in T.S.No.2045 for the extent of 976 1/2 sq.ft (ward2, Pasuthipalayam North), T.S.No.2101 for the extent of 0.4678.5 Sq.ft (2/4 share) (ward 2, Pasupathipalayam North) and the 2nd petitioner having T.S.No.2588 for the extent of 486 Sq.ft (Municipal Town, Ward No.1, Block No.13) T.S.No. 2083 & 2084 /2 for the extent of 1200 Sq.ft (Pasupathipalayam North, Ward No.2, Block No.34) and Pillaiyarkovil Street, Plot No.23, 24 in T.S.No.2083 & 2084/2 for the extent of 816 Sq.ft (Pasupathipalayam North, Ward No.2, Block No.34) and T.S.No.2083 & 2084/2 for the extent of 3600 Sq.ft (Pasupathipalayam North, Ward No.2, Block No.34) in Karur Town & Karur District.



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For Petitioners : Mr.R.Mathiyalagan
For R1 to R3 & R6 : Mr.D.Farjana Ghoushia
Special Government Pleader
For R4 and R5 : Mr.M.Prakash
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of certiorarified mandamus seeking interference with G.O.Ms.No.843 / Home (Police-XIX) Department dated 12.12.2011 which had been issued by the first respondent and direct the third and fourth respondents, Sub Registrar, Melakarur Registration office at Karur and Sub Registrar, Joint-I, Registration Office at Karur, to delete the entries in the registration record, including the encumbrance certificate by removing the entry of attachment with respect to the land in building in T.S.No. 2045, measuring 976 ½ Sq.ft at T.S.No.2101 to the extent of 2/4th share and the property of the second petitioner in T.S.No.2588 measuring 486 Sq.ft and in T.S.No.2083 and 2084/2, measuring 1200 Sq.ft and Plot No.23, 24 in T.S.No. 2083 and 2084 measuring 816 Sq.ft and T.S.No.2083 and 2084 /2 measuring 3600 Sq.ft of Karur Town.



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2. The first petitioner S.Venugopal was the second accused in C.C.No. 88/2008 which calendar case was before the Special Judge for TNPID Cases at Madurai. After trial, judgment was delivered on 27.09.2016, acquitting the first petitioner of all charges. In view of the that particular acquittal, it may not be even required on the part of this Court to state the nature of the charges against the first petitioner herein. The second petitioner is the wife. Consequent to the registration of FIR, the final report had been filed and trial progressed. The aforementioned properties had been attached by way of the order of the first respondent in G.O.Ms.No.843/Home (Police-XIX) Department dated 12.12.2011. Since the petitioner had now been acquitted, it is only appropriate that the said G.O., is withdrawn. Written instructions had been forwarded to the Special Government Pleader by the sixth respondent, wherein it has also been affirmed that the first petitioner had been acquitted of all charges.

3. In view of this specific instructions recorded, it is only appropriate to hold that G.O.Ms.No.843/Home (Police-XIX) Department, dated 12.12.2011 has as on date become otiose and has no effect in law and has to be quashed by this Court. It is accordingly quashed. The resultant feature of this particular order would be a direction to be issued to the fourth and fifth respondents to make necessary entries in the encumbrance certificate with respect to



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aforementioned property to remove the order of attachment made consequent to the passing of G.O.Ms.No.843 / Home (Police-XIX) Department dated 12.12.2011. The petitioners may give a fresh representation to the fourth and fifth respondents enclosing a copy of this order and the fourth and fifth respondents are directed to make necessary entries deleting the attachment within a period of five working days from the date on which the petitioner give a fresh representation to the respondents.

4. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

21.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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C.V.KARTHIKEYAN, J.

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