



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.03.2023

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.14470 of 2021

B.Muthukumar

... Petitioner

Vs.

1.The Inspector General of Registration,
No.100, Santhome High Road,
Chennai.

2.The District Registrar,
Registration Department,
Madurai.

3.The Joint-Sub Registrar – 1,
Madurai South, Madurai District.

4.The Deputy Director,
Directorate of Enforcement,
Government of India,
Chennai – 600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in Na.Ka.No.3321/2021 dated 09.06.2021 and quash the same direct the respondents to remove the encumbrance made in the petitioner's property in S.F.No.69/5B situate in Keelavellodai Kani, Viraganur Village, Madurai



South Taluk, Madurai District for valid consideration measuring about 23.5 cents.

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For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.R.Baskaran,
Additional Advocate General
assisted by Mr.S.Shanmugavel
Additional Government Pleader for R1 to R3

Mr.R.Vijayarajan for R4

ORDER

Heard the learned counsel on either side.

2.The petitioner has executed a settlement deed in favour of a family member in respect of the petition mentioned property. The petitioner is unable to register the transaction on account of the attachment effected by the fourth respondent. The specific stand of the petitioner is that the fourth respondent could not have attached the petition mentioned property because it has nothing to do with any of the transaction which has come under the adverse notice of the fourth respondent. The petitioner is permitted to send a formal representation to the fourth respondent. The fourth respondent is directed to consider the same and pass a speaking order if the petition mentioned property purchased by the petitioner way



back in the year 2008 is also included in the attachment. The fourth respondent will pass such an order within a period of three weeks after receipt of representation of the petitioner. The fourth respondent will also intimate the same to the third respondent. If the fourth respondent certifies that the petition mentioned property is not covered by any attachment, the third respondent shall permit the transaction to go on subject to fulfilment of the other usual formalities.

3.This writ petition is disposed of. No costs.

01.03.2023

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

To

- 1.The Inspector General of Registration,
No.100, Santhome High Road, Chennai.
- 2.The District Registrar, Registration Department, Madurai.
- 3.The Joint-Sub Registrar – 1, Madurai South, Madurai District.
- 4.The Deputy Director, Directorate of Enforcement,
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G.R.SWAMINATHAN, J.

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