



W.P.(MD)No.17403 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.17403 of 2022

P.Thennarasan

... Petitioner

vs.

1.The Joint Director,
Directorate of Enforcement,
2nd and 3rd Floor,
C Block, Murugesu Naicker Office Complex,
No.84, Greaves Road,
Thousand Lights, Chennai- 600 006.

2.The Sub Registrar,
Tamaraipatty Sub Registrar Office,
Chittampatty, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to rectify the inadvertent typographical error committed by the first respondent in attaching a property vide PAO No.22/2016-Sl.No.1305 – Page No.81- Document No.931/10 – in respect of Survey No.306/2 instead of Survey No.306/3, within the time to be stipulated by this Court by considering the petitioner's representation, dated 02.07.2022.



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For Petitioner :Mr.A.K.Hemaraj
For R1 :Mr.S.Paramasivam
Senior Panel Counsel
For R2 :Mr.M.Prakash

ORDER

This Writ Petition has been filed in the nature of Mandamus seeking a direction against the respondents to rectify the inadvertent typographical error committed by the first respondent in attaching a property vide PAO No.22/2016-Sl.No.1305 – Page No.81- Document No. 931/10 – in respect of Survey No.306/2 instead of Survey No.306/3.

2.Heard Mr.A.K.Hemaraj, learned Counsel for the petitioner, Mr.S.Paramasivan, learned Senior Panel Counsel for the first respondent and Mr.M.Prakash, learned Counsel for the second respondent.

3.In the document in Document No.931/10, the survey numbers of the land had been given as S.No.356/2C, 306 and 306/2C. The petitioner is the owner of the land in S.No.306/2. The survey number found in the document, namely Doc.No.931/2010, is actually 306/3. Therefore, there



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has been a typographical error while conveying the attachment with respect to the lands in Doc.No.931/2010.

4.In the affidavit filed in support of this Writ Petition, it had been stated that the petitioner is the owner of the land in S.No.306/2 at Narasingampatti Village. It stands in the name of the petitioner herein.

5.The first respondent had attached the lands, as found in Doc.No. 931/2010. In the schedule to the said document, the survey number is only S.No.306/3. Unfortunately, it had been stated as S.No.306/2 and the lands of the petitioner had been attached. This is an error apparent on the face of the records. This is an error, which should be corrected by the first respondent, since they have wrongly attached the property, which should not have been attached. They must own up that responsibility and make necessary rectification.

6.The first respondent had filed a counter stating that the petitioner should file an appeal. But, when the first respondent had made an error, there is an obligation on them to rectify the said error. They should not



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expect that the petitioner should run around from pillar to post for an error committed by the officials of the first respondent. They have an obligation and responsibility to every citizen and to rectify errors made.

7.A direction is, therefore, issued to the first respondent to carry out necessary rectification and inform that the property under attachment in accordance with Doc.No.931/2010 is S.No.306/3 and not S.No.306/2. Thereafter, a further direction is given to the second respondent to indicate in their registers that there is no attachment in S.No.306/2. The entire exercise shall be completed by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition stands allowed. No costs.

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

10.03.2023

cmr

To

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