



WEB COPY

W.P.No.5294 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.5294 of 2024

- 1.C.Sureshchand Jain
- 2.P.Arvind
- 3.V.Manish
- 4.I.Saroja
- 5.Ashok Kumar
- 6.Surendar
- 7.A.Mahaveer

...

Petitioners

versus

- 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 to issue a Writ of Certiorarified Mandamus, calling for the records and quash the impugned refusal check slip vide REF/Tambaram Joint 1.12.2023 dated 16.10.2023 issued by the second respondent and consequently direct the second respondent to register the sale deed executed on 06.07.2023 by the petitioners represented by their Power Agent, J.Narendrakumar in favour of S.Kavitha.



For Petitioners : Mr.M.L.Ganesh
For Respondent No.1 : Mr.Rajnish Pathiyil
Standing Panel Counsel
For Respondent No.2 : Mr.P.Anandhakumar
Government Advocate

ORDER

This Writ Petition has been filed challenging the refusal slip dated 16.10.2023 issued by the second respondent, whereby he refused to register the sale deed presented by the petitioners for registration.

2. It is the case of the writ petitioners that when they presented the sale deed on 06.07.2023 in favour of one Kavitha, the same was refused to be registered on the ground that an attachment was passed in respect of the said property by the Enforcement Directorate. Hence, the present writ petition.

3. It is the contention of the petitioners that their property has not been attached by the Enforcement Directorate and without proper verification, orders have been passed.

4. Heard the learned counsel for the petitioners, the learned Standing Panel Counsel for the first respondent, the learned Government



Advocate for the second respondent and perused the materials available on record.

5. A counter has been filed by the first respondent / Directorate of Enforcement. It is stated in paragraph No.4 that the subject property has not been provisionally attached by the first respondent and is not part of the attachment order F No.ECIR/04/DLZO-II/2018/3084, 3082.

6. The learned Standing Panel Counsel for the first respondent also submitted that the investigation has already been completed in this matter and the petitioners are also in no way connected in this enforcement case. As there is no attachment, as stated by the Directorate of Enforcement, the refusal slip is liable to be quashed.

7. In the result, this Writ Petition is allowed and the impugned order of refusal slip dated 16.10.2023 stands quashed and the second respondent is directed to register the document presented by the petitioners for registration, if it is otherwise in order, as per law, within a period of 7 days from the date of receipt of a copy of this order. It is also made clear that, as the document was presented within a time earlier, it was refused to



be registered. Now, the delay in representing cannot be put against the writ petitioner. No costs.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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N.SATHISH KUMAR, J.

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