



W.P.(MD)No.2483 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 07.02.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.2483 of 2024

V.Chelladurai

...Petitioner

/Vs./

1.The District Registrar,
Sivagangai District,
Sivagangai.

2.The Sub Registrar,
Karaikudi Joint – 1,
Sub Registrar Office,
Karaikudi, Sivagangai District.

3.The Deputy Superintendent of Police,
Economic Offences Wing,
Sivagangai,
Sivagangai District.

4.Kumar

5.Janarthanan

6.Rasu

7.Raja

8.Manjula

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to registrar a sale deed entered into between petitioner and 8th respondent in respect of property which included a plot no.77/85, Block No.7, comprised in



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Survey No.673/9, Kottaiyur Village, Karaikudi Taluk, Karaikudi District and another property of vacant land measuring 412.21 sq.m. land with the superstructure of concrete house in Survey No.673/9, Kottaiyur Village, Karaikudi Taluk, Karaikudi District on the basis of the petitioner's representation dated 01.11.2023.

For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.D.S.Nedunchezian (R1 & R2)

Government Advocate

Ms.M.Aasha (R3)

Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 2nd respondent to registrar a sale deed entered into between petitioner and 8th respondent in respect of property which included a plot no. 77/85, Block No.7, comprised in Survey No.673/9, Kottaiyur Village, Karaikudi Taluk, Karaikudi District and another property of vacant land measuring 412.21 sq.m. land with the superstructure of concrete house in Survey No.673/9, Kottaiyur Village, Karaikudi Taluk, Karaikudi District on the basis of the petitioner's representation dated 01.11.2023.

2. The case of the petitioner is that the subject property originally belonged to the 7th respondent. In the year 2021, certain sum of money was



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deposited by the petitioner and the respondents 4 to 6 jointly in the finance company run by the 7th respondent on the promise that he would return the money. Since he was unable to return the money, he was ready to transfer his subject property in favour of the petitioner and the respondents 4 to 6, who deposited their money and he also sold the subject property to the petitioner and the respondents 4 to 6 by way of execution of the sale deed. Since then, the petitioner and the respondents 4 to 6 were in possession and enjoyment of the same. Now, in order to sell the property in favour of the 8th respondent, the petitioner and the respondents 4 to 6 executed a sale deed and submitted the same before the 2nd respondent. However, it was refused by the 2nd respondent, since the property is being entangled with encumbrance involving the economic offences. The subject property has already been purchased by the petitioner and the respondents 4 to 6 and therefore, the petitioner made a representation in this regard on 01.11.2023. Since the same has not been considered till date, this writ petition has been filed before this Court.

3. The learned Government Advocate appearing for the official respondents by producing the written instructions received from the Joint Sub Registrar, Karaikudi in Na.Ka.No.400/app/2024 dated 06.02.2024 submits that the subject property is under Court attachment as per the order of this Court and



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hence, there cannot be any such transaction of selling the property, as a case in crime no.07 of 2022 has been filed under Sections 406, 468, 471, 420 and 120(b) of IPC and Section 5 of the TNPID (F&E) Act.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents. Notice to the private respondents is dispensed with, since no adverse order is going to be passed against them in this writ petition.

5. Considering the facts and circumstances of this case, this Court is of the considered view that when an order of Court attachment is pending in respect of any case registered against a person, no transaction of the property shall be done. Hence, it is left open to the petitioner to approach the competent Court to work out his remedy in the manner known to law.

6. With the above observations, this writ Petition stands dismissed. No costs.

07.02.2024

NCC : Yes/No

Index : Yes/No



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.2483 of 2024

Dated:
07.02.2024