



W.P(MD)No.8300 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8300 of 2024

S.Tamilmani

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Principal Secretary
to Government, Fort St.George,
Chennai-9.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Inspector of Police,
Economic Offence Wing II,
Madurai.

4.N.Nagarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to pass an order to raise the attachment of the property of S.No.58/2, 58/3, 58/4, 58/5B, 57/2, 57/1B1 in putupatty village, Sivagangai District mentioned as 4th respondent immovable property attached in G.O.No.838 dated 12.12.2011 within a time frame fixed by this Court.



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W.P(MD)No.8300 of 2024

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader for R1 & R2

: Mr.A.Albert James
Government Advocate (Crl.side) for R3

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 & R2 and the learned Government Advocate (Crl.side) for R3.

2. The petitioner had purchased the petition mentioned property from the fourth respondent herein who figured as an accused in C.C.No.38 of 2013 on the file of the Special Court under TNPID Act cases, Madurai. The property in question was originally attached by the Government. Since the matter was compounded and all the accused were acquitted, the second respondent recommended raising of the attachment. I.A.No.1 of 2022 was filed in C.C.No. 38 of 2013 and it was allowed on 29.08.2022. The question of the Government raising attachment does not arise at all. The Government need not pass any formal order. Now that the petitioner has succeeded before the TANPID Court, the only course of action to be adopted by the petitioner is to register the order.



W.P(MD)No.8300 of 2024

WEB COPY

3. The learned counsel for the petitioner states that when the petitioner approached the registering authority, registration was refused. I permit the petitioner herein to obtain certified copy of the order dated 29.08.2022 made in I.A.No.1 of 2022 in C.C.No.28 of 2013 on the file of the Special Court under TNPID Act cases, Madurai. He can present the same before the jurisdictional SRO for registering the same. The question of invoking Section 23 of the Registration Act will not arise. As and when the petitioner files an application for registering the aforesaid order, the same shall be accepted for registration and registered subject to fulfilment of other usual formalities. The order raising attachment shall be duly reflected in the encumbrance register. That will fully safeguard the rights of the petitioner.

4. With this liberty to the petitioner and direction to the jurisdictional SRO, the Writ Petition is disposed of. No costs.

02.04.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The Principal Secretary
to Government, Fort St.George,
Chennai-9.



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W.P(MD)No.8300 of 2024

G.R.SWAMINATHAN, J.

rmi

2.The District Revenue Officer,
Madurai District, Madurai.

3.The Inspector of Police,
Economic Offence Wing II,
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W.P(MD)No.8300 of 2024

02.04.2024