



W.P.(MD) No.16620 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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Udhayakumar

... Petitioner

-VS-

1.The Deputy Director
Directorate of Enforcement
No.1A, P & T Nagar
Madurai-625 017

2.The Assistant Director
Directorate of Enforcement
No.1A, P & T Nagar
Madurai-625 017

3.The Sub Registrar
Woraiyur
Tiruchirapalli District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent to release the property of the petitioner in T.S.No.15, Block No.7, Ward-Z, Tiruchirappalli West Taluk, Tiruchirappalli, by considering the petitioner's representation, within the time stipulated by this Court.



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For Petitioner : Mr.M.Mahooob Athiff
For Respondents : Mr.R.Vijayarajan
Special Public Prosecutor for R1 & R2
Mr.A.Thiruvadi Kumar
Additional Public Prosecutor for R3

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Prayer in this writ petition is to direct the first respondent to release the petitioner's property in T.S.No.15, Block No.7, Ward-Z, Tiruchirappalli West Taluk, Tiruchirappalli, by considering his representation, within the time stipulated by this Court.

2. It is the case of the petitioner, the subject property was initially owned by his sister, who is a Swiss National. She gifted the subject property in his favour by a sale deed dated 12.06.2013, registered as document No. 4216 of 2023, on the file of third respondent – Sub Registrar and since then, he is in absolute possession and enjoyment of the subject property. While that being so, when he proposed to develop the subject property, he came to know about the encumbrance over the property. As per the adjudication order, dated 31.03.2016, passed by the second respondent, a penalty of Rs.



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10,000/- was imposed on the petitioner's sister and the subject property was attached for the said sum. It is the further case of the petitioner that when a sale deed was executed in his favour by his sister in the year 2013, attaching the subject property in the year 2016, that too without affording any opportunity of hearing, is illegal. Therefore, ventilating the same, the petitioner sent a representation, on 07.06.2024 to the first respondent. However, no action was taken by the first respondent on the petitioner's representation. Hence, this writ petition.

3. Today, when the matter is taken up for hearing, learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondents 1 & 2 to consider the petitioner's representation dated 07.06.2024 and pass orders on merits and in accordance with law.

4. Learned Special Public Prosecutor appearing for the respondents 1 & 2 and learned Additional Public Prosecutor appearing for the third respondent has no objection for the above submission of the learned counsel for the petitioner.



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5. In view of the above submission of the learned counsel for the petitioner, without going into the merits of the matter, we direct the respondents 1 and 2 to consider the petitioner's representation 07.06.2024 and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that we have not gone into the merits of the matter and it is for the authority concerned to go into merits of the matter and pass appropriate orders.

6. With the above direction, this writ petition is disposed of. No costs.

[A.D.J.C., J.] [K.R.S., J.]

24.07.2024

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

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To:

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Madurai-625 017.
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Directorate of Enforcement,
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