



W.P.(MD). Nos. 18952 to 18954 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.11.2024**

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD). Nos. 18952 to 18954 of 2023

and

W.M.P.(MD). Nos. 15755 to 15757 of 2023

Jeya	... Petitioner in W.P.(MD).No.18952 of 2023
Jeyaraj	... Petitioner in W.P.(MD).No.18953 of 2023
Selvakumar	... Petitioner in W.P.(MD).No.18954 of 2023

Vs.

1. The Sub Registrar,
Sindhupatti,
Madurai District.
2. The Inspector of Police,
Economic Offence Wing,
Vellore.

... Respondents in all W.P.s

PRAYER in W.P.(MD).No.18952 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings no. Nil dated 22.12.2021 in respect of the



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petitioner's land situated in S.No. 123/4 in Ammapettai Village, Tirumangalam Taluk, Madurai District and quash the same as illegal and arbitrary and consequently, direct the 1st respondent to remove the entries made in the books maintained by them in pursuance of the impugned order dated 22.12.2021 passed by the 2nd respondent with regard to the petitioner's property.

PRAYER in W.P.(MD).No.18953 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings no. Nil dated 22.12.2021 in respect of the petitioner's land situated in S.No. 73/5 in Kilavaneri Village, Tirumangalam Taluk, Madurai District and quash the same as illegal and arbitrary and consequently, direct the 1st respondent to remove the entries made in the books maintained by them in pursuance of the impugned order dated 22.12.2021 passed by the 2nd respondent with regard to the petitioner's property.

PRAYER in W.P.(MD).No.18954 of 2023: Writ Petition filed under



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Article 226 of the Constitution of India, to issue a Writ of Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings no. Nil dated 22.12.2021 in respect of the petitioner's land situated in S.No. 121/6 in Ammapettai Village, Tirumangalam Taluk, Madurai District and quash the same as illegal and arbitrary and consequently, direct the 1st respondent to remove the entries made in the books maintained by them in pursuance of the impugned order dated 22.12.2021 passed by the 2nd respondent with regard to the petitioner's property.

For Petitioner (In all cases)	:	M/s.P.Ganapathi Subramanian
For Respondents (In all cases)	:	Mr.B.Thanga Aravindh, Government Advocate (Crl. Side)

COMMON ORDER

All these writ petitions have been filed challenging the impugned communication made by the Economic Offences Wing to the Sub Registrar not to entertain any documents pertaining to the subject properties and to register the same.



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2. Heard the learned counsel on either side and perused the materials placed on record.

3. It is seen from records as well as the counter filed by the second respondent that an FIR has been registered by the Economic Offences Wing in Crime No. 2 of 2019 for offences under Sections 420, 406, 120(B) of IPC and Section 5 of the TANPID Act, 1997. Steps were taken to attach the property as per Section 3 of the Act. In the meantime, since effort was made to alienate the property, such communication has been given to the Sub Registrar.

4. In the considered view of this Court, the property can be attached only in the manner in which it is provided under the TANPID Act. The police has not been given any independent power to issue such communication to the Sub Registrar and stop the Sub Registrar from registering the documents. Ultimately, if the property is dealt with in a hasty manner, the same can always be interfered by the Court at a future point of time on the ground that it is an illegal transfer. The police will



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have to trace their power under some enactment to issue such communication. Admittedly, no such power has been conferred on the police. Hence, the police will have to necessarily comply with the procedure that has been provided under the TANPID Act. Without following that procedure, the police cannot directly give a communication to the Sub Registrar and direct the Sub Registrar to stop all registration pertaining to the properties.

5. This Court has interfered with such communication made by the police in many writ petitions and it has been held that the police does not possess any such power to stop dealing with properties and registration of documents. In the instant case, this communication was given in the year 2021. Till date, no steps have been taken to attach the properties as per the procedure provided under the TANPID Act. The police is under the impression that they need not take any steps to attach the property and they can stall the registration of documents by merely giving a communication to the Sub Registrar. Such attitude on the part of the police will have to change.



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6. In the light of the above discussion, the impugned communication made by the second respondent dated 22.12.2021 to the first respondent is held to be illegal in so far as the properties which are the subject matter in these writ petitions. Therefore, such communication made to the Sub Registrar is not binding. This order will not stand in the way of the second respondent from taking immediate steps to attach the properties by following the procedure as provided under the TANPID Act.

7. In the result, all these writ petitions are allowed in the above terms. Consequently, the connected miscellaneous petitions are closed.

No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To
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1. The Sub Registrar,
Sindhupatti,
Madurai District.
2. The Inspector of Police,
Economic Offence Wing,
Vellore.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

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Order made in
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