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W.P.No.11576 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

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THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.No.11576 of 2025

Varya Developers Private Limited
Represented by its Director and
Authorised Signatory Mr.D.Ramesh
No.1, Viswananthan Street, Srinivasa Avenue
Raja Annamalaipuram, Chennai - 600 028.

.... Petitioner

Vs

1.The Commissioner
Income Tax Department, Investigation
No.46, Mahatma Gandhi Road
Nungambakkam, Chennai - 600 034.

2.The Sub Registrar
Office of the Sub Registrar
Woraiyur, Tiruchirappalli.

3.The Sub Registrar
Office of the Sub Registrar
Thillai Nagar, Tiruchirappalli.

4.The Authorized Officer
Union Bank of India
No.38/39, Whites Road
Royapettah, Chennai - 600 014.

.... Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to communicate to respondents 2 and 3 to delete the order of attachment dated 18.1.2017, and consequently direct respondents 2 and 3 to delete the entries relating to the attachment created over the property being the vacant land measuring 55720.50 sq.ft., comprised in New T.S.Nos.8 and 10/5 (Plot No.3 Part), Block No.19, New Ward "G" (previous Ward "B") situate at Chinthamani Village, Tiruchirappalli West Taluk, Manoranjitham Salai, Annamalai Nagar, Tiruchirappalli - 620 003, in the records of respondents 2 and 3.

For Petitioner : Mr.V.G.Suresh Kumar

For Respondents : Mr.A.P.Srinivas,
Senior Standing Counsel for R1
Mr.U.Baranidharan
Special Government Pleader for R2 & R3

ORDER

This writ petition has been filed for issue of Writ of Mandamus directing the second and third respondents to delete the entries relating to the attachment created over the subject property by the first respondent, pursuant to the orders passed by this Court in W.P.No.27409 of 2019 & batch etc., dated 21.04.2021.

2. Heard Mr.V.G.Suresh Kumar, learned counsel appearing for the



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petitioner and Mr.A.P.Srinivas, learned Senior Standing Counsel for first respondent and Mr.U.Baranidharan, learned Special Government Pleader for respondents 2 and 3.

3. The subject property was owned by Vasan Health Care Private Limited, who had borrowed loans and created a mortgage over the property with the fourth respondent-Bank. The loan was not repaid and hence, proceedings were initiated under the SARFAESI Act to bring the property to sale. The petitioner was the successful bidder in the auction sale that was conducted by the fourth respondent. A sale certificate dated 26.09.2024 was also issued in favour of the petitioner and it was registered as Document No.4113 of 2024 on the file of the third respondent. The further case of the petitioner is that an entry was made in the Encumbrance Register, based on the order passed by the first respondent for the dues payable to the Income Tax Department. This order came to be challenged by the fourth respondent by filing W.P.No.27409 of 2019, and the said writ petition was allowed by an order dated 21.04.2021.

4. The grievance of the petitioner is that inspite of the order passed by this Court, the entry made in the Encumbrance Register continues and the present



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writ petition is filed before this Court seeking for appropriate directions.

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5. In the considered view of this Court, the earlier writ petition filed in W.P.No.27409 of 2019, has been allowed by order dated 21.04.2021, and as a consequence, the encumbrance entry made in the Register must be deleted. Hence, there shall be a direction to the respondents 2 and 3 to delete the encumbrance entries made pursuant to the order of attachment made by the first respondent, in compliance with the earlier order passed by this Court in W.P.No.27409 of 2019 dated 21.04.2021. The said process shall be completed within a period of two weeks from the date of receipt of a copy of this order.

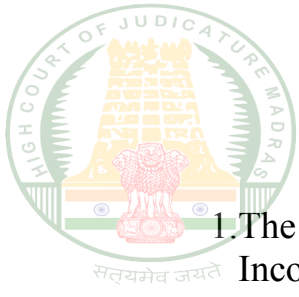
6. This writ petition is disposed of with the above directions. No costs.

01.04.2025

Index : Yes/No
Speaking Order/Non-Speaking Order
Neutral citation : Yes/No
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To:

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N. ANAND VENKATESH., J

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