



WEB COPY



W.P.No.23825 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.01.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 23825 of 2024
&
W.M.P.No. 26076 of 2024

P.Sivaraj

...Petitioner

Vs.

1.The Deputy Director (HIU - 2(3))
Directorate of Enforcement,
New Delhi.

2.The Sub-Registrar,
Office of Sub-Registrar,
Tambaram

...Respondents

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Mandamus, directing the 2nd respondent to cancel the registered MODT and allow to register the new Mortgage deed for new construction loan in respect of the petitioners property more



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specifically plot bearing No.J5 measuring an extent of 1206 sq.ft comprised in survey No.581/1(part) under patta No.11870 in the layout named Sri Sai Avenue comprised S.Nos.579/2, 579/2, 580/1, 580/2, 581/1, 582/3 and 582/2B measuring to an extent of 7.59 Acres, situated at No.9 Nedungundram Village, Chengalpattu Taluk, Kancheepuram District now in Vandalur Taluk, Chengalpattu District unbiased by the attachment order passed vide F.No.ECIR/ 04/ DLZO-II/ 2018 dated 15.02.2022

For Petitioner : Mr. D.Saikumarran
For Respondent 1: Mr. Rajnish Pathiyil
SPP ED
For Respondent 2: Mr. B.Vijay
Additional Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To direct the 2nd respondent to cancel the registered MODT and allow to register the new Mortgage



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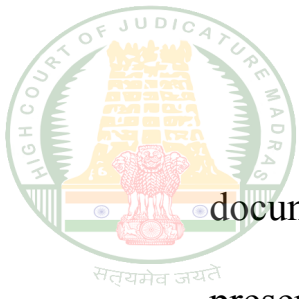


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deed for new construction loan in respect of the petitioners property more specifically plot bearing No.J5 measuring an extent of 1206 sq.ft comprised in survey No.581/1(part) under patta No.11870 in the layout named Sri Sai Avenue comprised S.Nos.579/2, 579/2, 580/1, 580/2, 581/1, 582/3 and 582/2B measuring to an extent of 7.59 Acres, situated at No.9 Nedungundram Village, Chengalpattu Taluk, Kancheepuram District now in Vandalur Taluk, Chengalpattu District unbiased by the attachment order passed vide F.No.ECIR/ 04/ DLZO-II/ 2018 dated 15.02.2022 ”.

2. A counter has been filed by the 1st respondent. In paragraph No.iv of the counter affidavit, the 1st respondent has stated that the subject property has not been provisionally attached.

3. Therefore, there is no impediment for registration. The Writ Petition is allowed. The 2nd respondent is directed to register the



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document, within a period of 2 weeks, from the date of its re-
presentation by the petitioner. Consequently, the connected
miscellaneous petition is closed. No costs.

09.01.2025

Index : Yes/No
Internet : Yes/No
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