



WEB COPY



W.P.No.26463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26463 of 2023

And

W.M.P.No.13910 of 2024

1.S.Sundari (Died)
2.M.Sivabalan
3.S.Sabari Krisan
4.Minor.Nikash Karuppan
(P2 to P4 are substituted as LR's
of deceased P1, as per order dated
18.01.2024 in WMP.31854/2023
in WP.26463/2023 by ASMJ)

... Petitioners

Vs.

1.The Competent Authority,
Office of the Competent Authority,
Ministry of Finance, Department of Revenue,
Government of India,
SAFEM (FOP) and NDPS Acts,
Shastri Bhavan,
4th Floor, New Building Complex,
No.26, Haddows Road,
Chennai – 600 006.

2.The Sub Registrar,
Office of the Sub Registrar,
Ashok Nagar,
Chennai.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Mandamus directing the first respondent to revoke the freezing order dated 25.09.2006 in respect of petitioner's property a flat bearing No.GA5, Arul and Chola Apartments in Plot Nos.23 to 30, Ganga Nagar, Jafferdhanpet, Chennai in Survey Nos.353, 354 and 357 and consequently direct the second respondent namely the Sub-Registrar, Office of the Sub Registrar, Ashok Nagar, Chennai to delete corresponding entry in the E.C.

For Petitioners : Mr.David Tyagaraj
For Respondents : Mr.Venkataswamy Babu for R1
Mr.Saikumar for R2
Government Advocate

ORDER

This writ petition has been filed seeking issuance of Writ of Mandamus directing the first respondent to revoke the freezing order dated 25.09.2006 in respect of petitioner's property a flat bearing No.GA5, Arul and Chola Apartments in Plot Nos.23 to 30, Ganga Nagar, Jafferdhanpet, Chennai in Survey Nos.353, 354 and 357 and consequently direct the second respondent namely the Sub-Registrar, Office of the Sub Registrar, Ashok Nagar, Chennai to delete corresponding entry in the E.C.

2.The learned counsel appearing for the petitioners submitted that the first petitioner's husband was arrested during the year 2005



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for committing offence under the provisions of NDPS Act and was convicted and sentenced to undergo 8 years rigorous imprisonment in C.C.No.35 of 2006 and thereafter he preferred C.A.No.600 of 2011, wherein his sentence was reduced to the period already undergone by this Court vide judgment dated 28.10.2011. During trial, the first petitioner's bank account and her husband's bank account were freezed and freezing order was also passed in respect of the subject property and the same was incorporated as an entry in the encumbrance details of the property.

3.The learned counsel appearing for the petitioners further submitted that as per Section 68 A of the NDPS Act, if the punishment is less than 10 years, the property can be released. For defreezing the property, the first petitioner made representation to the respondents, however, there is no response. The learned counsel further submitted that there is effective appeal remedy available to the petitioners under Section 68 O of the NDPS Act. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioners to exhaust the appeal remedy.

4.Considering the limited request now made by the learned



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counsel appearing for the petitioners, this Court, without expressing any opinion on the merits of the case, permit the petitioners to file appeal before the Appellate Tribunal under Section 68 O of the NDPS Act.

5.The writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

18.09.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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Government of India,
SAFEM (FOP) and NDPS Acts,
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2.The Sub Registrar,
Office of the Sub Registrar,
Ashok Nagar,
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M.DHANDAPANI,J.
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