

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN  
AND  
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.512 of 2016

H.A.Badurunnisa

...Appellant/Petitioner

Vs

1. The Sub Registrar,  
Sub Registrar's Office,  
Triplicance, Royapettah,  
Chennai-600 014

2. The Government of India,  
Represented by its Intelligence Officer,  
Narcotics control Bureau,  
Plot No.FD2, 2<sup>nd</sup> Main Road,  
3<sup>rd</sup> Avenue, Tamil Nadu Housing Board,  
Ayyampakkam, Chennai-600 077

...Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 29.02.2016 passed in W.P.No.29887 of 2015.

Writ Petition filed under Article 226 of the Constitution of India directing the respondent to release the petitioner sale deeds registered on 12/06/2015 and assigned pending document Nos.P102 & 103 of 2015 on the file of the first respondent.

For Appellants : Mr.V.Raghavachari  
for Mr.M.I.Mohammed Abusuguman

For Respondents: Ms.A.SriJyanthi (R1)

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant purchased the immovable property and produced the documents for registration before the Sub Registrar, Triplicane. The Sub Registrar kept the document for registration for three days. In the mean time, the Sub Registrar received a restraint order from the Narcotics Control

Bureau attaching the subject property. The Sub Registrar therefore refused to register the document. The appellant filed a Writ Petition in W.P.No.29887 of 2015 to direct the Sub Registrar to register the document and release it after receiving the appropriate stamp duty. The learned single Judge dismissed the Writ Petition. Feeling aggrieved, the appellant is before this Court.

2. The learned counsel for the appellant contended that the appellant is an innocent purchaser of the property for valuable consideration. The property was purchased on 12.06.2015 and the document was presented before the Sub Registrar for registration. He kept it pending for three days and by the time, the document was taken up for registration, he received the restraint order dated 01.07.2015. According to the learned counsel, since the restraint order was passed subsequently, the same would not apply to the document presented early for registration. The learned counsel therefore seeks a direction to the Sub Registrar to register the document after setting aside the order passed by the learned single Judge.

4. We have also heard the learned Special Government Pleader appearing for the first respondent. None appears on behalf of the second respondent, inspite of the name printed in the cause list.

5. The appellant appears to have purchased the property from a subsequent purchaser who originally purchased the property from one Sadiq Basha. The document was presented before the Sub Registrar on 12.06.2015. The Narcotics Control Bureau passed a freezing order on 01.07.2015, in relation to the subject property. In the freezing order dated 01.07.2015, it was stated that Thiru.Sadiq Basha acquired several items of property including the subject property by using the wealth from drug trafficking. The order of attachment was communicated to the Sub Registrar. The Sub Registrar was therefore correct in refusing to register the document for the reason that as on the date on which the document was taken up for registration, the freezing order was available with him. Nothing prevented the appellant from approaching the Narcotics Bureau to pass an order for releasing the property from attachment. We are therefore of the view that the learned single was correct in dismissing the writ petition.

6. There are statutory provisions under The Narcotic Drugs and Psychotropic Substances Act, 1985 to make a claim before the competent authority in case the attached property was purchased by an innocent purchaser for valuable consideration. Section 68-A 2(f) of the Act, provides for such remedy.

7. We are therefore of the view that the remedy of the appellant is only to approach the statutory authority under the provisions of The Narcotic Drugs and Psychotropic Substances Act, 1985.

8. We make it clear that in case any application is given within three weeks from today, for lifting the attachment, the same shall be considered and disposed of by the statutory authority on merits as per law. Such exercise shall be completed within a period of four months from the date of receipt of the application.

9. The intra Court appeal is disposed of with the above directions.

Sd/-  
Assistant Registrar(CS )

//True copy//

Sub Assistant Registrar

arr

To

1. The Sub Registrar,  
Sub Registrar's Office,  
Triplicance, Royapettah,  
Chennai-600 014

2. The Intelligence Officer,  
The Government of India,  
Narcotics control Bureau,  
Plot No.FD2, 2<sup>nd</sup> Main Road,  
3<sup>rd</sup> Avenue, Tamil Nadu Housing Board,  
Ayyampakkam, Chennai-600 077

+1cc to Government Pleader SR.No.11175

W.A.No.512 of 2016

VGI (CO)  
GN(02/03/2018)